LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
OCT 14 1963
JOHN F. DAVIS, CLERK

In the

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1963

No. 546

DON BALDWIN, J. H. BELVIN, ED BERRONG, ROY C. BOECHER, WILFORD E. BOHANNON, CHARLES E. COLSTON, RAY FINE, GLEN HAM, LEROY MCCLENDON, LOUIS H. RITZHAUPT, ALFRED STEVENSON, TOM TIPPS, BASIL R. WILSON, WALT ALLEN, BOYD COWDEN, BYRON DACUS, CLEM HAMILTON, BOB A. TRENT, JOE BAILEY COBB, LEON B. FIELD, S. S. MCCOLGIN, ALLEN G. NICHOLS, and GENE STIPE,
Appellants,

VERSUS

HARRY R. MOSS,
Appellee.

APPEAL FROM A THREE-JUDGE COURT OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

JURISDICTIONAL STATEMENT OF INTERVENING, DEFENDANT STATE SENATORS

JIM A. RINEHART, of
RINEHART, RINEHART & RINEHART,
El Reno, Oklahoma,

Attorney for Intervening State Senators.

October, 1963.

UNIVERSAL TYPEWRITER CO., 13 SO. WALKER, OKLAHOMA CITY, PH. CE 2-8750

SUBJECT INDEX

	PAGE
Statement	1
Opinions Below	4
Grounds for Appellate Jurisdiction	4
(a) Nature of Proceeding	4
(b) Dates of Judgment and Appeal	9
(c) Statute Conferring Jurisdiction Upon the Supreme Court	9
(d) Cases Believed to Sustain Jurisdiction of the Supreme Court in This Appeal	9
(e) State Statutes Involved	9
Questions Presented by the Appeal	10
Statement of Case	12
Reasons for Plenary Consideration	14
Conclusion	16

AUTHORITIES CITED

CASES:

Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691	9, 12, 15
Baldwin, et al. v. Moss, et al., ___ F.2d ___	4
Baldwin v. Moss, ___ U.S. ___, 83 S.Ct. 1686	4, 8
Florida Lime & Avacado Growers, Inc. v. Jacobsen, 362 U.S. 73	9
Gray v. Sanders, 370 U.S. 921	9
Harrison v. N.A.A.C.P., 360 U.S. 167, 79 S.Ct. 1025, 3 L. Ed.2d 1152	9

INDEX CONTINUED PAGE

Kesler v. Dept. of Public Safety, 369 U.S. 153 9

Moss v. Burkhart, D.C. W.D. Okla. (1962), 207 F. Supp. 885 ..... 4, 5, 6

Palmetto Fire Ins. Co. v. Conn, 272 U.S. 295 9

Price v. Moss, ... U.S. ..., 83 S.Ct. 1686 4

Price v. Moss, et al., 320 F.2d 917 4

CONSTITUTIONAL PROVISIONS:

United States Constitution:

Equal Protection Clause of Amendment XIV 4-5, 11-12

Oklahoma Constitution:

Art. V, Secs. 1-4 10

Art. V, Secs. 1, 2 ..... 10, 12

Art. V, Sec. 9 ..... 2, 3, 7, 10, 13, 15

Art. V, Sec. 9(a) 6, 10

Art. V, Secs. 9, 9(a), 9(b), 10 10

Art. V, Sec. 10 6

Art. V, Sec. 11 10

Art. V, Sec. 30 ..... 2, 3, 10, 11, 15

STATUTES:

14 O.S. 1961, Secs. 9-14, 22, 31-33, incl., 41-43, incl., 45.1-45.4, incl., 51-55, incl., 61-63, incl., 71, 72, 97-100, incl. 10

Enrolled Senate Joint Resolution No. 4 8

House Bill No. 586, 29th (1963) Oklahoma Legislature 10, 11, 13, 14

Senate Joint Resolution No. 4, 29th (1963) Oklahoma Legislature 10, 12, 13, 14

Senate Joint Resolution No. 8, 29th (1963) Oklahoma Legislature 10, 11, 13

INDEX CONTINUED PAGE

APPENDIX

Appendix I:

Memorandum of Decision and Final Judgment i

Appendix II:

Art. V, Secs. 1-4, incl., Constitution of Oklahoma (Vol. I, pp. 62-63, Oklahoma Statutes 1961) xxv
Art. V, Secs. 9, 9a, 9b, and 10, Constitution of Oklahoma (Vol. I, pp. 64-65, Oklahoma Statutes 1961) xxix
Art. V, Sec. 11, Constitution of Oklahoma (Vol. I, pp. 65-66, Oklahoma Statutes 1961) xxxiii
Art. V, Sec. 30, Oklahoma Constitution xxviii
Art. XXIV, Secs. 1-3, Constitution of Oklahoma (Vol. I, p. 137, Oklahoma Statutes 1961) xxvii

Title 14, Secs. 9-72, incl., Oklahoma Statutes 1961 (Vol. I, pp. 1042-1046, incl., Oklahoma Statutes 1961 xxxiv
Title 14, Secs. 97-100, incl., Oklahoma Statutes 1961 (Vol. I, pp. 1047-1051, incl., Oklahoma Statutes 1961 xlii

Appendix III:

Legislative Apportionment—House of Representatives—Chapter 11, H.B. 586, 29th (1963) Oklahoma Legislature lii

Appendix IV:

Legislative Apportionment—Senate Joint Resolution No. 8 (now in effect but not officially reported) lix

Appendix V:

Legislative Apportionment—Senate Joint Resolution No. 4, 29th (1963) Oklahoma Legislature (to be voted on in July, 1964) lix

In the
Supreme Court of the United States
OCTOBER TERM, 1963

No. .....

DON BALDWIN, J. H. BELVIN, ED BERRONG, ROY C. BOECHER, WILFORD E. BOHANNON, CHARLES E. COLSTON, RAY FINE, GLEN HAM, LEROY MCCLENDON, LOUIS H. RITZHAUPT, ALFRED STEVENSON, TOM TIPPS, BASIL R. WILSON, WALT ALLEN, BOYD COWDEN, BYRON DACUS, CLEM HAMILTON, BOB A. TREST, JOE BAILEY COBB, LEON B. FIELD, S. S. MCCOLGIN, ALLEN G. NICHOLS, and GENE STIPE,
Appellants,

VERSUS

HARRY R. MOSS,
Appellee.

APPEAL FROM A THREE-JUDGE COURT OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

JURISDICTIONAL STATEMENT OF INTERVENING DEFENDANT STATE SENATORS

STATEMENT

These intervening defendants who are state senators of the State of Oklahoma file this jurisdictional statement under Rules 13 and 15 of this Court. Appellants desire to use for this appeal the single record without duplication

which has been requested and filed by the Attorney General of the State of Oklahoma in an appeal from the same judgment, reference to which record is hereby made pursuant to Rule 12. The appeal is from the final judgment of a three-judge court convened in the United States District Court for the Western District of Oklahoma filed and entered on the 17th day of July, 1963.

The judgment appealed from granted a permanent injunction against the State Election Board of the State of Oklahoma and actually made a reapportionment of both the house and senate of the Oklahoma Legislature, according to a court-approved formula referred to as Model C. In addition thereto it held that a number of the intervenors (state senators) who had been elected to the Oklahoma State Senate for a term of 4 years (Article 5, Sec. 9, Oklahoma Constitution), would have their terms of office shortened to a period of 2 years, notwithstanding the constitutional provision that the State Senate shall be the judge of the elections, returns and qualifications of its own members (Art. 5, Sec. 30, Oklahoma Constitution). The final judgment incorporates principles declared and announced in previous interlocutory decrees.

The permanent injunction part of the final judgment invalidates:

(a) Certain portions of the Oklahoma Constitution relating to legislative apportionment.

(b) All reapportionment statutes enacted by the Oklahoma Legislature in 1961 and prior years.

(c) The reapportionment acts of the 29th Oklahoma Legislature (1963), when they became effective September 12, 1963.

(d) The election of a number of state senator intervenors at the general election in November 1962 for a term of 4 years, by ending such term on the 15th day after the general election in 1964, and the provisions of Oklahoma Constitution, Article 5, Secs. 9 and 30,

wherever the Constitution and laws of Oklahoma differ from the apportionment formula set forth in the final judgment.

Intervenor appellant state senators elected for the terms aforesaid, with the permission of the three-judge court, will be deprived of one-half of the term of office to which elected in 1962 under the terms of the injunction which affirmatively declares, adjudges and directs that:

> "The terms of office of Senators elected in the November 1960 general election, as well as those elected at the November 1962 election, will end with the 15th day after the general election of November 1964."

and ordered and directed the State Election Board:

> "* * * to accept filings and conduct elections, in accordance with the provisions of this Order and the applicable provisions of Title 26, Oklahoma Statutes, as amended, * * *"

and enjoined the State Election Board from accepting filings or conducting elections in any manner inconsistent with said final judgment.

OPINIONS BELOW

(a) Final Judgment of July 17, 1963 here sought to be reviewed:

Appendix I—Memorandum of Decision and Final Judgment, with Appendix A, July 17, 1963. Memorandum of Decision granting restraining Order.

(b) Earlier reported opinions in the same case:

Moss v. *Burkhart*, D.C. W.D. Okla. (1962), 207 F. Supp. 885.

1. Memorandum of Facts and Conclusions of Law and Interlocutory Decree on Motion for Interlocutory Relief. April 30, 1962, 207 F. Supp. at 887.
2. Interlocutory Decree. June 19, 1962, 207 F. Supp. at 897.
3. Further Statement of Facts and Law on the Merits, relating to Interlocutory Decree. June 19, 1962, 207 F. Supp. at 892.
4. Decree of July 31, 1962, filed August 3, 1962, 207 F. Supp. at 898.
5. *Price* v. *Moss* (2 cases), ___ U.S. ___, 83 S. Ct. 1687; *Baldwin* v. *Moss*, ___ U.S. ___, 83 S. Ct. 1687.
6. *Price, et al.* v. *Moss, et al.*, 320 F.2d 917.
7. *Baldwin, et al.* v. *Moss, et al.*, ___ F.2d ___.

GROUNDS FOR APPELLATE JURISDICTION

(a) ***Nature of the Proceeding.***

Plaintiff brought this action asserting deprivation under state law, of civil rights guaranteed to him by the 14th Amendment to the United States Constitution and the Equal

Protection Clause thereof. He asked that the bicameral legislature consisting of house and senate of Oklahoma be declared illegal bodies and that the Constitution and statutes of Oklahoma relating to the apportionment thereof be declared void and their enforcement enjoined, and that all future elections of members of the legislature thereunder, be likewise enjoined. He further asked that the Court make its affirmative order apportioning the Legislature in conformity to population shifts as reflected by the last Federal Decennial Census. He asserted that the failure of the Legislature to so properly reapportion itself had greatly diluted the vote of the plaintiff and others in his class, for legislative officers, and that he was entitled to judicial relief from such legislative malapportionment.

Plaintiff claims a violation of 42 U.S.C., Sec. 1983 (Act of April 20, 1871, C. 22; 17 Stat. 13) conferred jurisdiction upon the United States District Court under 28 U.S.C., Sec. 1343 (Civil Rights). Under the provisions of 28 U.S.C., Secs. 2281 and 2284, a three-judge court was convened to hear the cause.

The three-judge court assumed jurisdiction of the question involving the federal constitution, and on June 19, 1962, by interlocutory decree determined that the existing statutes of Oklahoma relating to the apportionment of both house and senate of the Oklahoma Legislature, were in fact, "invidiously discriminatory" against plaintiff and his class, and thereupon declared the same to be null and void (*Moss* v. *Burkhart*, 207 F. Supp. 885, at 898), and enjoined all future elections of members of either house of the legislature to be held under such statutes. Further adjudging,

however, that the elections then in progress which had commenced with the filing of candidates for nomination on the 26th day of February, 1963, were not regarded as future elections under the purview of said judgment and same might be legally held.

On August 3, 1962, at a further hearing, the three-judge court withheld final judicial action until the 8th day of March, 1963, to give the legislature then in the process of being elected, an opportunity to apportion itself and in its order set forth certain guide lines for reapportionment, indicating that if the same were followed by the legislature such reapportionment would meet requirements of equal protection laws and thus the approval of the three-judge court. (*Moss* v. *Burkhart*, 207 F. Supp. 885, at 898-899.)

In its order of August 3, 1962, the court held as invidious that part of Article 5, Section 10 of Oklahoma Constitution, limiting to the number of seven the maximum of members of the house of representatives elected from any single county, irrespective of population. (*Moss* v. *Burkhart*, 207 F. Supp. 898.)

It also held as invidious, that part of Article 5, Section 9(a) of the Oklahoma Constitution increasing the size of the state senate by assigning additional senators to more populous counties and limiting the number of senatorial districts to a total of 44, and the number of state senators to a total of 44. (*Moss* v. *Burkhart*, 207 F. Supp. 899.)

The general election of November 1962 followed in order and as provided by Constitution, the 29th Legislature met on Monday the 7th day of January, 1963, and during

the session enacted separate acts for the reapportionment of the house and senate of the legislature and referred to the people a constitutional amendment for reapportionment of both houses of legislature designated Senate Joint Resolution No. 4. Where the order and judgment of the three-judge federal court conflicts with the Oklahoma Constitution as above set forth, the legislature followed the Constitution rather than the guidelines suggested by the court.

Pursuant to its previous assignment the District Court heard the evidence of the parties on the 8th day of March, 1963, concerning legislative action by the 29th Oklahoma Legislature applying to reapportionment of the house and senate. After overruling the motion and request of intervening state senator defendants that it abstain from passing upon the constitutionality of such acts until the Supreme Court of Oklahoma had been afforded a reasonable opportunity to judicially determine their legality, the court heard the cause. Thereafter and on the 17th day of July, 1963, the three-judge court entered its final judgment declaring the acts of the 29th Legislature (H.B. 586 and S.J.R. No. 8), unconstitutional and void, and affirmatively reapportioning each house of the Oklahoma Legislature, enjoining the conduct of future elections for legislative officers except in accordance with that apportionment (and state statutes not inconsistent therewith), and adjudging and declaring that those state senators elected in the general election of 1962 for terms of 4 years under Article 5, Section 9, Oklahoma Constitution, would have their terms reduced to 2 years as therein provided. The judgment likewise recited that following the March 8, 1963 hearing of the case the

Oklahoma Legislature had passed Enrolled Senate Joint Resolution No. 4, referring to the people for approval or rejection an amendment to the Oklahoma Constitution providing for reapportionment of both branches of the Oklahoma Legislature, in accordance with a new formula set forth therein, providing for built-in constitutional means for affecting the reapportionment, further providing that it be submitted at the next run-off primary election in 1964. The court however declined to stay its hand and wait the outcome of the vote of the people of Oklahoma thereon.

Plaintiff in this case directly invoked the civil rights act on his asserted claim of deprivation of equal protection of the law by reason of malapportionment amounting to invidious discrimination as to both houses of the legislature on the ba[illegible] he had no adequate remedy elsewhere. He asked for and was granted in final judgment a permanent injunction which exceeded all essential attributes of restraint and in effect amounted to the actual performance by judicial act of a function, which by the Constitution of Oklahoma belonged to the legislative branch of the government and to the people of the state acting under the initiative and referendum provisions of their Constitution. Earlier opinions in this same case were appealed by your appellants from the United States District Court for the Western District of Oklahoma to the Supreme Court of the United States, and to the Court of Appeals of the Tenth Circuit. Both courts declined to entertain the appeals on the basis they were not final, or appealable orders. *Baldwin* v. *Moss*, ... U.S. ..., 83 S. Ct. 1687.

(b) *Dates of Judgment and Appeal.*

The Final Judgment here sought to be reviewed was made and entered herein on July 17, 1963.

Notice of appeal was filed by these appellants in the United States District Court for the Western District of Oklahoma on August 16, 1963.

(c) *Statute Conferring Jurisdiction Upon the Supreme Court.*

This appeal is from an order granting, after hearing, a permanent injunction in a civil action required by law to be heard and determined by a District Court of three judges. The appeal is made pursuant to the provisions of Title 28, U.S.C., Sec. 1253, Act of June 25, 1948, C. 646, 62 Stat. 926.

(d) *Cases Believed to Sustain Jurisdiction of the Supreme Court in This Appeal.*

Appellant submits that the following cases decided by this Court sustain its jurisdiction of this appeal. *Baker* v. *Carr*, 369 U.S. 186; *Gray* v. *Sanders*, 370 U.S. 921; *Florida Lime & Avocado Growers, Inc.* v. *Jacobsen*, 362 U.S. 73; *Kesler* v. *Dept. of Public Safety*, 369 U.S. 153; *Palmetto Fire Ins. Co.* v. *Conn*, 272 U.S. 295; *Harrison* v. *N.A.A.C.P.*, 360 U.S. 167, 79 S. Ct. 1025, 3 L.Ed.2d 1152.

(e) *State Statutes Involved.*

The following provisions of the Constitution and statutes of Oklahoma are involved in this appeal. Due to their length, the full text thereof is set out herein as Appendices, as follows:

Appendix II:

Article V, Sections 1-4, incl., Constitution of Oklahoma (Volume I, pp. 62-63, Oklahoma Statutes 1961);

Article V, Section 30, Oklahoma Constitution;

Article V, Sections 9, 9a, 9b, and 10, Constitution of Oklahoma (Volume I, pp. 64-65, Oklahoma Statutes 1961);

Article V, Section 11, Constitution of Oklahoma (Vol. I, pp. 65-66, Oklahoma Statutes 1961);

Title 14, Sections 9-72, incl., Oklahoma Statutes 1961 (Volume I, pp. 1042-1046, incl., Oklahoma Statutes 1961);

Title 14, Sections 97-100, incl., Oklahoma Statutes 1961 (Volume I, pp. 1047-1051, incl., Oklahoma Statutes 1961);

Appendix III:

Legislative Apportionment—House of Representatives, Chapter 11, H.B. 586, 29th (1963) Oklahoma Legislature;

Appendix IV:

Legislative Apportionment—Senate Joint Resolution No. 8 (now in effect but not officially reported);

Appendix V:

Legislative Apportionment—Senate Joint Resolution No. 4, 29th (1963) Oklahoma Legislature—to be voted on in July, 1964.

QUESTIONS PRESENTED BY THE APPEAL

The following questions, all set out in the Notice of Appeal, or fairly comprised in questions there stated, are presented by this appeal:

(1) May a federal court having permitted the election in November of state senators for a term of 4 years (Art. 5, Section 9, Oklahoma Constitution), thereafter shorten such term to a period of 2 years? (Art. 5, Sec. 30, Oklahoma Constitution.)

(2) Is all or any part of Article V, Sections 9, 9(a) and 9(b), Oklahoma Constitution, relating to apportionment of the state senate, if carried forward into law, productive of invidious discrimination in voting strength, so as to deny equal protection of laws to citizens or classes of citizens, in violation of the Fourteenth Amendment to the United States Constitution?

(3) Does any apportionment law heretofore enacted by the Oklahoma Legislature for the apportionment of the state senate or house of representatives, or both [including HB-585 and SJR-8 of the 29th (1963) Legislature] in whole or in part invidiously discriminate against any citizen or class of citizens, in voting strength or weight of votes, so as to deny to them equal protection of laws in violation of the Fourteenth Amendment to the United States Constitution?

(4) Did the District Court have jurisdiction, or judicial power and authority to order reapportionment of the state senate or the house of representatives of Oklahoma, or both, by judicial decree; or to issue an injunction designed to accomplish that end?

(5) Does the Final Judgment of the District Court, entered herein on July 17, 1963, comply with all provisions of the Constitution and laws of Oklahoma relating to apportionment of the state senate or house of representatives, or both, except for departure necessary to accord citizens or classes of citizens equal protection of laws guaranteed by the Fourteenth Amendment to the United States Constitution?

(6) May a federal court intervene to reapportion a state legislature by judicial decree in the name of preserving to citizens equal protection of laws, when there is available to such citizens a remedy by initiative and referendum, guaranteed by the State Constitution?

(7) Should the District Court have abstained from entering judgment herein pending adjudication by the Supreme Court of the State of Oklahoma in an action therein pending upon questions of Oklahoma law and upon the issues presented in this action? Also, should it have awaited the vote of the people of Oklahoma on Senate Joint Resolution No. 4?

STATEMENT OF CASE

In Oklahoma the people reserved legislative authority unto themselves (Article 5, Sec. 1, Oklahoma Constitution). The means for the exercise of such power was provided in the next section of the Oklahoma Constitution (Article 5, Sec. 2), providing for initiative and referendum. This reservation of legislative authority has been used many times by the people of Oklahoma. This is a definite pronounced distinction between remedies available to plaintiff in the State of Tennessee, and plaintiff in the State of Oklahoma, and challenges the application of *Baker* v. *Carr*, 369 U.S. 186, 82 S. Ct. 691, to the Oklahoma case. The point becomes vitally significant in that from the pleadings it appears plaintiff Moss represents that he and all others similarly situated, predominate in numbers and that on the principle of one person—one vote, there is dilution of their votes in election of their legislative officers.

Such numerical strength however, can be exercised at the polls under the provisions of initiative and referendum where the principle of one person—one vote obtains, and where by sheer weight of numbers plaintiff and his class may obtain their answer. Plaintiff and his class are therefore not without an adequate remedy, the answer being at the polls and not in the courts. The three-judge court had before it the matter of enjoining the election of legislative officers in the year 1962. It declined to enjoin that election. Under Article 5, Section 9, Oklahoma Constitution, a number of state senators, some of the intervenors, were elected at the general election of Novmber, 1962 for a term of 4 years. Those intervening state senators so elected and seated for a term of 4 years may not be removed from the senate except by concurrence of two-thirds of the vote of that body. The three-judge court's final judgment of July 17, 1963, disregarded the Oklahoma Constitution in that regard by reducing the terms of office of such senators to 15 days after the general election in 1964.

At the time of the rendition of the final judgment of July 17, 1963, three legislative enactments had been passed by the legislature subsequent to the decree of August 3, 1962:

House Bill No. 586;
Senate Joint Resolution No. 8;
Senate Joint Resolution No. 4 (for vote in 1964).

House Bill 586 apportioned the house of representatives. Senate Joint Resolution No. 8, apportioned the state senate into 47 districts, each to elect one senator. It was enacted pursuant to the provisions of the Oklahoma Constitution

on a standard of "permanent population," rather than census population. Senate Joint Resolution No. 4 embraces an entirely new apportionment formula. It will be voted on in May, 1964 and if adopted will amend the Constitution of the State.

Neither House Bill 586, Senate Joint Resolution No. 8, or Senate Joint Resolution No. 4 have been passed upon by the Supreme Court of Oklahoma and it has been afforded no opportunity to determine the constitutionality of the acts of the 29th Session (1963) legislature relative to apportionment.

Under the doctrine of abstention, the Federal Court should abstain from ruling thereon until the Supreme Court of Oklahoma has had such opportunity.

REASONS FOR PLENARY CONSIDERATION

This case involves the important determination whether or not a federal court may intervene as it did in *Baker* v. *Carr*, where the plaintiff has available to him the constitutional remedy of the initiative and referendum. Especially where plaintiff claims that he and his class predominate on a numerical basis.

If it should be decided that a federal court could under such circumstances nevertheless intervene to correct an alleged political injustice, may such court go so far as to perform the legislative act of reapportionment by judicial decree, establishing boundaries of districts and tenure of office of both houses on population factor, disregarding all other factors?

Consideration must need be given also to the power of a federal court to reduce a four-year term of office of state senator to two years in view of Article 5, Sec. 30, Oklahoma Constitution.

Still further may a federal court after taking notice of the pendency of a vote of the people of Oklahoma on an amendment to its Constitution providing for reapportionment, disregard the same and proceed with judicial reapportionment?

As very cogently stated by MR. JUSTICE CLARK in his concurring opinion in *Baker* v. *Carr*, 369 U.S. 186, 82 S. Ct. 691, at page 732:

> "Although I find the Tennessee apportionment statute offends the Equal Protection Clause, I would not consider intervention by this Court into so delicate a field if there were any other relief available to the people of Tennessee. But the majority of the people of Tennessee have no 'practical opportunities for exerting their political weight at the polls' to correct the existing 'invidious discrimination.' Tennessee has no initiative and referendum. I have searched diligently for other 'practical opportunities' present under the law. I find none other than through the federal courts. The majority of the voters have been caught up in a legislative strait jacket."

No such strait jacket exists in Oklahoma.

In this case the three-judge court has far exceeded its power by entering the field of legislation and political science and affirmatively apportioning a state legislature in both houses by judicial decree upon the sole factor of population, disregarding state constitutional equal require-

ments of geographical compactness of senatorial districts and other significant factors.

For these and other reasons inherent therein, we submit the questions presented are substantial, of historic importance on the principle of reservation of legislative powers to the people and under the circumstances established, render unnecessary the intervention of the federal court for protection of plaintiff's rights under the Fourteenth Amendment to Federal Constitution.

Therefore, intervening state senator-appellants, request plenary consideration of the questions presented, with briefs on the merits and oral arguments for their resolution.

Respectfully submitted,

JIM A. RINEHART, of
RINEHART, RINEHART & RINEHART,
El Reno, Oklahoma,

Attorney for Intervening State Senators.

October, 1963.

APPENDIX

APPENDIX I.

MEMORANDUM OF DECISION AND FINAL JUDGMENT

This matter came on for further hearing on March 8, 1963, pursuant to Order of August 3, 1962. The plaintiff, Moss, appeared by his attorney, Mr. Sid White. Mr. Norman Reynolds, who represented the Governor when these proceedings were commenced, appeared pro se and with Mr. G. T. Spradling, attorney for the Council of Democratic Neighborhood Clubs. Mr. Delmer Stagner, who represented Mr. William Burkhart, State Treasurer, when these proceedings were commenced, appeared for Mr. Burkhart, individually, as an intervening plaintiff. Mr. Charles Nesbitt, Attorney General, who has succeeded to office since the August hearing, and his First Assistant Mr. W. J. Monroe, appeared representing the present State Treasurer, Cowboy "Pink" Williams, substitute defendant for Mr. Burkhart; Mr. S. F. Shaw, State Auditor, substitute defendant for Mr. Andy Anderson; the members of the Oklahoma Tax Commission, who were original defendants and now compose the Commission; and, the present members of the State Election Board, substitute defendants for the original defendant members. The present Governor of the State, who succeeded to his office since the commencement of the proceedings, did not appear in person or by counsel. His predecessor having been made a party, and having participated in the proceedings, the present Governor is automatically substituted as a party, upon succession to the office. The intervening State Senators and the parties intervening as Oklahomans for Local Government, appeared by their Attorneys, Mr. James Rinehart, Senator Walt Allen, Mr. Leon Hirsh, and Mr. James C. Harkin. Mr. Frank Carter appeared for the Oklahoma Farm Bureau and Mr. Lewis H. Munn. Mr. Richard McKee was allowed to inter-

vene for Mrs. Phyllis P. Brodski, a taxpayer and registered voter. Mr. Tom Tate appeared, as a member of the House of Representatives, and filed a Memorandum. Mr. U. Simpson Tate appeared as attorney for A. Willie James, J. W. Simmons, J. W. Tyler and Amos T. Hall, as interested parties, and has filed Requested Findings of Fact and Conclusions of Law. The Congress of Parents and Teachers, and The League of Women Voters filed separate briefs amicus curiae, in support of thei respective plans for reapportionment.

Pursuant to the August 1962 hearing, on Motion of the intervening Senators and Oklahomans for Local Government, to alter and amend the interlocutory decree of June 19, 1962, the Court did clarify the decree to apply to the elections of 1964 and all future elections following the 1962 election, which was then in being. Upon consideration of the remedies urged upon the Court at the August hearing, for redress of the deprivation or impairment of voting rights, vouchsafed to the plaintiff and his class by the Fourteenth Amendment, the Court decided to defer further action to the 1963 general session of the Oklahoma Legislature, to be convened early in the following January. Further hearing on the remedies to be afforded the aggrieved class, was accordingly passed until March 8, 1963.

In the extraordinary circumstances, it was deemed appropriate to promulgate some guidelines or standards which, in the judgment of the Court, would insure compliance with the equal protection of the laws, with respect to the exercise of sufferage rights for the election of members of both branches of the Oklahoma Legislature. Consistent with our previously declared fundamental principle of apportionment based on substantial numerical equality, as firmly enunciated in the Oklahoma Constitution, and our concept of the requirements of the Fourteenth Amendment, we stated that the House of Representatives should

be reapportioned in accordance with the mandate of the Oklahoma Constitution, except as to the ceilings established in Section 10(d), Article V for populous counties. As to that, we were of the view that the arbitrary restrictions thus imposed, was invidiously discriminatory against the plaintiff and his class; hence, constitutionally intolerable. We left the matter of forming Legislative Districts among the counties, for both the House and the Senate, to the discretion of the Legislature, subject only to the requirement of the Oklahoma Constitution and the Fourteenth Amendment with respect to substantial numerical equality and contiguity, "* * * so that each voter of the State will have approximately the same power and influence in electing members of the two houses of the Legislature and in passing legislation, as every other voter." Jones v. Freeman, 146 P.2d 564, 567. In that respect, we recommended the Proposed Order And Decree, filed on July 30, 1962, by the then Acting Attorney General, as a practical and helpful guide to the orderly reapportionment for both Houses. See: Price v. Moss; Oklahoma Farm Bureau v. Moss, 207 F. Supp. 885; Review Denied, Nos. 688-689 (June 11, 1963) 31 L.W. 3405.

Having thus invoked the spirit and intent of the Oklahoma Constitution, as a reliable guide for compliance with the Fourteenth Amendment, and having been assured by the leaders of the Oklahoma Legislature, in open Court, that once their constitutional duty was made clear, it would be discharged with befitting honor and fidelity, we withheld any redress for deprivation of the plaintiffs' rights, by the prolonged malapportionment. We were also mindful of the pendency of an Initiative Petition, providing for a Constitutional Commission, to reapportion the Legislature in accordance with the Oklahoma Constitution, and the prospects of its submission to the people at the November election.

[APPENDIX]

At the November election, the Initiative Petition did receive an affirmative majority of the total votes cast on the Petition (335,045 to 273,287, or a majority of 61,758). The then Governor proclaimed that it had become law. The Commission created thereunder was constituted, and proceeded to reapportion both houses of the Legislature, in accordance with the Oklahoma Constitution, except only to the extent necessary to comply with the guidelines set out in the August 3, 1962 Order of this Court.

The intervening Senators filed in the Oklahoma Supreme Court, an original action to annul the Initiative Petition, on the ground that it had not received the constitutionally required affirmative vote, and to litigate the identical constitutional issues heretofore presented for decision in this proceedings. On petition of the plaintiff and his class, to enjoin the intervenors from prosecuting the original proceedings in the Supreme Court of Oklahoma, we restrained the parties from relitigating the constitutional questions presented here, but deferred to the Oklahoma Court the resolution of the question whether the Initiative Petition had become the law of the State. See: Memorandum Decision Granting Restraining Order, attached as Appendix "A"; Review Denied, Baldwin v. Moss, No. 864 (June 11, 1963), 31 L.W. 3405. In the State proceedings, the Supreme Court determined that the Initiative Petition "failed of adoption for lack of sufficiency of affirmative votes." Allen v. Burkhart, 377 P.2d 821.

When this cause came on for hearing on March 8, 1963, for further consideration of the remedy to be afforded to the plaintiff and his class, the intervening Senators offered Oklahoma Senate Resolution No. 8 and Enrolled House Bill No. 586, and urged them upon the Court, as an appropriate and adequate remedy for the malapportionment of the Oklahoma Legislature under previously existing legislation. They took the position that the legislation complied with

the Oklahoma Constitution and with the equal protection clause of the Fourteenth Amendment. The plaintiff and allied intervenors took the position that the legislation was wholly inadequate to achieve constitutional reapportionment, and to provide the remedy for impairment of their voting rights. The League Of Women Voters and The Congress Of Parents And Teachers offered a plan for reapportionment of both Houses of the Legislature, in accordance with a "standard deviation formula," and testimony in support of it. The plan provides a simple and facile method for reapportioning the Legislature on the basis of population.

The legislation urged upon us by the intervening Senators as an appropriate remedy, has passed both Houses of the Legislature, and has been signed by the Governor, but no effort was made to attach the emergency clause. Article V, Section 58 of the Oklahoma Constitution provides that such legislation does not become effective until ninety (90) days after the adjournment of the legislative session at which the legislation was passed, i.e., June 14, 1963. Moreover, under Article V, Sections 1 and 4 of the Oklahoma Constitution, the legislation may be referred to a vote of the people, on petition of five per cent (5%) of the voters, filed with the Secretary of State, within ninety (90) days after the final adjournment of the session, and before the legislation becomes effective.

Since the legislation is not presently effective and may never be effective, it cannot presently affect the rights of the complaining parties, and they, therefore, have no standing to challenge its constitutionality. In this posture, it would be inappropriate for this Court to adjudge the purely hypothetical constitutional question. See: Coffman v. Breeze, 323 U.S. 316; Federation of Labor v. McAdory, 325 U.S. 450; Rescue Army v. Municipal Court of Los Angeles, 331 U.S. 549; and City of Oklahoma City v. Dulick (10 CA), F.2d .

But even so, we are immediately concerned with an appropriate remedy for the deprivation of a civil right, and while time is not of the essence of the right, it is, to be sure, an important consideration, if relief is to be granted in the foreseeable future. It is important to note that candidates for legislative office, the term of which expires in November, 1964, must file notification and declaration of candidacy with the Election Board during the filing period, beginning the fourth Monday in February, before the day fixed by law for the regular primary election in 1964. See: 26 O.S. §163. As the matter now stands, the present legislative apportionment laws have been declared prospectively null and void, and if the recent legislation should not become effective by reason of the inherent contingencies, there can be no valid election for the legislative offices involved. Enrolled House Bill No. 586 and Senate Resolution No. 8, having been passed and signed by the Governor, cannot be recalled for amendment. If they should be referred to referendum, they must be voted up or down—they either become the law as enacted, or nullified by a vote of the people.

In these circumstances, it becomes manifestly important to settle the apportionment law applicable to the forthcoming election, both in the interest of the plaintiff-electors and those who are to seek legislative office. We are thus brought to the necessity of examining the inchoate legislation, for the purpose of deciding whether, as applicable law, it would afford adequate redress for the deprivation of a civil right. We have examined the legislation with care, and have come to the conclusion that it does not afford the remedy which the Federal Constitution commands.

The House Bill purports to comply with the Oklahoma Constitution. It does not purport to comply with the guidelines set out in the August 3, 1962 Order of this Court. But, the legislation is not, for that reason, an unaccept-

able remedy for invidious discrimination. The Fourteenth Amendment requires precise equality among electors for state-wide offices, or for an office within an electorial district. See: Gray v. Sanders, 372 U.S. 368. But, it does not demand precise political equality as between qualified voters, for the election of legislative representatives from different electorial districts. We know that there is "room for weighting" and "rough accomodation," within the framework of the equal protection clause of the Fourteenth Amendment. Baker v. Carr, 369 U.S. 186; and Norvell v. Illinois, ... U.S. ..... (Oct. 1962). Our guidelines were not promulgated as an inexerable rule or guide for the achievement of the equal protection of the laws, in the apportionment of the Oklahoma Legislature. We recognized then, as indeed we do now, that the equal protection clause requires only a rational basis for disparity in voting strength, for legislative representation. Throughout this litigation, however, we have proceeded upon the premise that the gross disparity and deliberate refusal to reapportion, in accordance with the plain mandate of the Oklahoma Constitution, i.e., See: Radford v. Gary, 145 F.Supp. 541, is prima facie evidence of a hostile disposition to discriminate. And, we have called upon those who would support the disparity to show a rational basis for it.

The vice of this most recent legislation lies in the absence of any rational basis for the manifest disparity. In practical effect, it provides little or no relief for malapportionment under antecedent laws. Under this legislation, the Representative Districts vary in population from 11,700 to 62,800. We think it more than coincidental that whereas, under antecedent laws, 29 per cent of the people of Oklahoma could elect a majority of the lower House, under the prospective House Bill, 30.2 per cent can elect a majority of the lower House in the second session of this decennial; 31.2 per cent can elect a majority in the third session; 33.5

per cent in the fourth session; and, in the fifth session, 28.5 per cent may elect the majority. Thus, in this decade, an average of 31 per cent of the people would elect a majority of the lower house, i.e., a 2 per cent increase over the antecedent discriminatory laws. This result is brought about by adherence to the arbitrary ceilings on the number of representatives to be elected from the most populous counties, under Section 10(d), and through skillful manipulation of the "floats," provided in Section 10(e), Article V, of the Oklahoma Constitution.

The same invidious purpose is even more manifest in Senate Resolution No. 8, where the disparities between districts run the scale from 115,300 to 24,400, or a ratio of 4.73 to 1. No rational basis was shown for this disparity. The Resolution does not purport to comply with either the Oklahoma Constitution, or with this Court's guidelines for compliance with the equal protection clause of the Fourteenth Amendment. The Oklahoma Constitution specifically provides that each of the "* * * [electorial] districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct." Article V, Section 9(a). Presuming to act under color of the latter clause of this constitutional provision, the Oklahoma Legislature in Senate Resolution No. 8 undertook to depart from the decennial Federal census, for what it called the "permanent population standard," for determining representation. In the first place, a double standard was used to arrive at the legislated apportionment, in that the "permanent population standard" was used in Oklahoma and Tulsa Counties, while the Federal census was used elsewhere. In the second place, the proof shows that the apportionment in Oklahoma and Tulsa Counties is not truly based upon the erected standard. There was nothing to indicate, or from which it can be said, that the classi-

fication rests upon any rational basis. Such gross disparity cannot be justified by "historical precedents," as in Maryland Committee For Fair Representation v. Tawes, 184 A.2d 715. Nor, by traditional legislative autonomy of counties, as in Sobel v. Adams, 208 F.Supp 316. Nor, by the political, social and economic heterogeneity, recognized in Lisco v. McNichols, 208 F.Supp 471. We think our situation more nearly like Sims v. Frink, 208 F.Supp 431. From the proof before us, it is manifest that the legislative apportionment, under Senate Resolution No. 8, is a patch-work of political maneuvering and manipulation, to perpetuate the same invidious apportionment which prevailed under the antecedent laws. One of the intervening Senators, attorney and spokesman for the group, expressed it quite succinctly and truthfully, we think, when he testified simply that the legislation "was all the Senate would go for."

Intervenors, A. Willie James, J. W. Simmons, J. W. Tyler and Amos T. Hall, specifically attack this legislation as operating to deprive the negro voters in Oklahoma and Tulsa Counties of the equal protection of the laws. They contend that the prescribed districts within those Counties are gerrymandered, in a manner to effectively discriminate against their race, to the end that their voting strength will be unconstitutionally impaired. In view of the immaturity of the legislation, and our treatment of it for the purpose of this case, we do not reach the issue presented by these Intervenors.

Since the enactment of Enrolled House Bill No. 586 and Senate Resolution No. 8, and following the March 8th hearing of this case, the Legislature has passed Enrolled Joint Senate Resolution No. 4. The Resolution refers to the people proposed amendments to the Oklahoma Constitution, providing for reapportionment of both branches of the Oklahoma Legislature, in accordance with a new formula set forth therein, and providing built-in constitutional means

for effecting the reapportionment. It provides that the amendments shall be submitted for adoption or rejection, on the date of the next run-off primary election, which according to State law, will occur in 1964. If the amendments should be submitted and adopted, the Legislature convening in 1965 must act within sixty (60) days, upon failure of which the Apportionment Commission created by the amendments, will proceed to do so, in accordance with the proposed constitutional formula. No one has tendered this Joint Senate Resolution as an appropriate remedy in this case, and we take notice of it only for the purpose of determining whether, in view of its provisions and likelihood of its passage, we should again stay our hand, and await the outcome. In the light of the initiative and referendum history of the State of Oklahoma (see: Appendix—Title 34, O.S.A.) the adoption of the amendments as the constitutional law of this State, seems improbable. Moreover, there is nothing on the face of the proposed amendments to justify the gross disparity between electoral districts for both Houses, as provided therein.[1] In any event, we shall say

---

[1] Section 1 of the Joint Resolution provides that the State shall be apportioned into 48 Senatorial Districts, in the following manner: "• • • the nineteen most populous counties, as determined by the most recent Federal Decennial Census, shall constitute nineteen senatorial districts with one senator to be nominated and elected from each district; the fifty-eight less populous counties shall be joined into twenty-nine two-county districts with one senator to be nominated and elected from each of the two-county districts • • •." A rough calculation, based upon the Federal census, will show that the disparities between the 19 most populous electoral districts will range from less than 30,000 in the smallest of the one-county senatorial districts, to approximately 440,000 in the largest of the one-county senatorial districts. The disparity is even greater (less than 15,000 to approximately 440,000) between the least populous two-county district and the most populous one-county district. The Section creating these districts provides that "consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors,

nor do nothing to interfere with the right of the people to speak freely upon the question. Meanwhile, the improbabilities of its adoption and its doubtfulness as a remedy, will not justify further stay of these proceedings.

After careful consideration of all the exigencies, we have reluctantly decided to reapportion the Oklahoma Legislature by judicial decree, because we are convinced, from all that has transpired in this prolonged proceedings, that the Legislature, as now constituted, is either unable or unwilling to reapportion itself, in accordance with our concept of the requirements of the equal protection clause of the Fourteenth Amendment. We assume this responsibility, fully aware of its gravity and perplexity. We know, of course, that the function of apportioning the State Legislature is essentially legislative in nature; one which the Courts have never before undertaken; and one from which we may very well be precluded, even in the face of inadequate redress for the deprivation of civil rights. We know that the judicial power to grant redress for deprivation of a civil right is usually a negative power, effected by conventional injunctive decree. It may well be that the affirmative relief we grant is in excess of our judicial power. If so, we will know in due time, for the questions are squarely presented, and will undoubtedly be authoritatively decided during the next term of the Supreme Court. See: WMCA, Inc. v. Simon, No. 460; Wesberry v. Vandiver, No. 507; Reynolds v. Sims, No. 508; Vann v. Frank, No. 540; Mary-

---

[1] (Continued)
• • •" but there is nothing to indicate that consideration was given to these factors in the creation of the districts, which would be immutably created, unless and until changed by further constitutional amendment.

The formula provided in the amendment for reapportionment of the House of Representatives, gives every county one Representative, and by the utilization of ratios, progressively restricts representation in the most populous counties.

land Committee On Fair Representation v. Tawes, No. 554; McConnell v. Frink, No. 610; Davis v. Mann, No. 797; and Wright v. Rockefeller, No. 950 (June 11, 1963) 31 L.W. 3404. Meanwhile, we shall proceed on the fundamental premise that equity is never impotent before the law.

In the suggested Findings of Fact and Conclusions of Law, filed by the intervening Senators, we are asked to abstain, and to await adjudication of the constitutionality of this most recent legislation by the State courts. But, in the circumstances, we think it would be unwise and, in effect, a deprivation of the constitutional rights of the plaintiff and his class, to await State court proceedings, which have not been instituted and which, in any event, would not resolve the ultimate question of the appropriateness of the remedy for the redress of a civil right, asserted in this proceedings. The suggestion will, therefore, be denied.

This brings us to the form of relief which is to be afforded, or more specifically, the form of Order for the remedy. While, as we have seen, the equal protection clause of the Fourteenth Amendment is content with fundamental fairness in the exercise of voting rights, *if apportionment is to be our lot, we should not stop short of the ideal.* Of all the plans for reapportionment which have been urged upon us, as an appropriate remedy, we have been favored with a formula which approaches the ideal, to reapportion the Legislature "as near as may be to the equal number of inhabitants" of each district. This plan, known in the proof here as Model C, is submitted by The Bureau of Government Research, of the University of Oklahoma. It represents the judgment of the Acting Attorney General of the State, when this matter was previously under consideration for appropriate remedy. It is an embodiment of the best thinking and contribution of the political scientists and statisticians, who have testified in this case, concerning the critical question of discrimination. We adopted it as

our guideline in our August 3rd Order. When State Question No. 408, Initiative Petition No. 271, providing for a Commission to reapportion the Legislature, was declared to have passed, by proclamation of the Governor, the *de facto* Commission, created thereunder, adopted the Model as affording the most effective plan for reapportioning the Legislature, in accordance with the Oklahoma Constitution and the guidelines of our August 3, 1962 Order. We now adopt it as the pattern for Final Judgment of this Court, and in accordance with the following Order Of Reapportionment.

ORDER OF REAPPORTIONMENT

The Legislature of the State of Oklahoma is hereby apportioned, as hereinafter provided, for the purposes of all future elections within the Decennial, beginning the 16th day after the general elections in November, 1962 and ending the 15th day after the general election in November, 1972, unless and until the Legislature, elected and constituted by virtue of this apportionment, shall reapportion itself, in accordance with the requirements of the equal protection clause of the Fourteenth Amendment:

The ten-year period beginning the 16th day after the general election in November 1962, and ending the 15th day after the general election in November 1972, shall constitute a Decennial Legislative Period of the Legislature of the State of Oklahoma, and said period is hereby divided into five legislative periods of two years each.

The first legislative period shall begin on the 16th day after the general election in November 1962, and end with the 15th day after the general election in November 1964. Senators and representatives heretofore elected at said November 1962 general election shall serve during said first legislative period.

The second legislative period shall begin on the 16th day after the general election in November 1964, and end with the 15th day after the general election in November 1966.

The third legislative period shall begin on the 16th day after the general election in November 1966, and end with the 15th day after the general election in November 1968.

The fourth legislative period shall begin on the 16th day after the general election in November 1968, and end with the 15th day after the general election in November 1970.

The fifth legislative period shall begin on the 16th day after the general election in November 1970.

THE SENATE

The Oklahoma State Senate shall consist of 44 members, who shall be apportioned during the second, third, fourth and fifth legislative periods prescribed herein among the 44 senatorial districts of the State. The terms of office of Senators elected in the November 1960 general election, as well as those elected at the November 1962 election, will end with the 15th day after the general election of November 1964. The apportionment of the counties of the State into said 44 senatorial districts, in each of which one Senator will be nominated and elected, shall be as follows:

DISTRICT NUMBER			NUMBER OF SENATORS
District	1	Beaver, Cimarron, Harper, Texas, Woods, Woodward	1
District	2	Beckham, Ellis, Greer, Roger Mills, Washita	1
District	3	Harmon, Jackson, Tillman	1
District	4	Blaine, Caddo, Kiowa	1
District	5	Alfalfa, Custer, Dewey, Grant, Major	1

District 6	Kingfisher, Lincoln, Logan	1
District 7	Garfield	1
District 8	Canadian, Grady	1
District 9	Cotton, Jefferson, Stephens	1
District 10-11	Comanche	2
District 12	Carter, Love, Marshall	1
District 13	Atoka, Garvin, Johnston, Murray	1
District 14	Pontotoc, Seminole	1
District 15	McClain, Pottawatomie	1
District 16	Cleveland	1
District 17-24	Oklahoma	8
District 25	Payne	1
District 26	Noble, Osage, Pawnee	1
District 27	Kay	1
District 28	Nowata, Washington	1
District 29-35	Tulsa	7
District 36	Okmulgee, Wagoner	1
District 37	Creek, Okfuskee	1
District 38	Coal, Hughes, Pittsburg	1
District 39	Bryan, Choctaw, Latimer, Pushmataha	1
District 40	LeFlore, McCurtain	1
District 41	Cherokee, Haskell, McIntosh, Sequoyah	1
District 42	Muskogee	1
District 43	Adair, Delaware, Ottawa	1
District 44	Craig, Mayes, Rogers	1
		44

PROVIDED, however, that until the Legislature, as apportioned hereunder, shall by appropriate legislation prescribe the boundaries of the Districts, within any one County of the State entitled to elect more than one Senator, under the provisions of this Order, the candidates for such senatorial offices shall be nominated and elected at large within such Counties; and,

PROVIDED FURTHER, that each such senatorial office shall be designated and distinguished numerically, accord-

ing to the number of Senators and numerical Districts to which such County is entitled, and all filings of notification and declaration for nomination and election, pursuant to 26 O.S. §163, to any of the offices herein provided, shall designate the number of the office to which the filings are intended to apply.

Senators elected from even numbered Districts for the above second legislative period shall hold office until the 15th day succeeding the general election in November 1966, and Senators elected from the odd numbered Districts for said legislative period shall hold office until the 15th day succeeding the general election in November 1968. The office number and term, in Counties entitled to more than one Senator, shall correspond to the District number and term, as herein provided. The term of office of each Senator thereafter elected shall be four years.

The Election Board of the State of Oklahoma, and all those acting by and under its authority, are hereby ordered and directed to accept filings and conduct elections, in accordance with the provisions of this Order and the applicable provisions of Title 26, Oklahoma Statutes, as amended, and they are hereby enjoined and restrained from accepting filings or conducting elections in any manner inconsistent with the provisions of this Order and the statutes of the State of Oklahoma, not inconsistent herewith.

THE HOUSE OF REPRESENTATIVES

Representatives assigned to each County for each of the five legislative periods, other than for the first period, shall be elected at the general election in the month of November, next preceding the commencement of the respective legislative period.

The representation in the House of Representatives of each County of Oklahoma for the last four legislative periods defined herein, shall be the number listed in the

table hereinafter set forth. The number of representatives assigned to each County for each of the five legislative periods, other than for the first period, is shown in the following table. The name of each County and the names of attached Counties are given in said table, and the number of representatives to which same are entitled are listed under the columns designated for said legislative periods, as follows:

COUNTIES	2ND LEG. PERIOD	3RD LEG. PERIOD	4TH LEG. PERIOD	5TH LEG. PERIOD
Alfalfa-Grant	1	1	1	1
Atoka-Coal	1	1	1	1
Beaver-Harper	1	1	1	1
Beckham-Roger Mills	1	1	1	1
Blaine-Kingfisher	1	1	1	1
Cimarron-Texas	1	1	1	1
Cotton-Jefferson	1	1	1	1
Dewey-Major	1	1	1	1
Ellis-Woodward	1	1	1	1
Greer-Harmon	1	1	1	1
Haskell-McIntosh	1	1	1	1
Johnston-Murray	1	1	1	1
Latimer-Pushmataha	1	1	1	1
Love-Marshall	1	1	1	1
Noble-Pawnee	1	1	1	1
Nowata-Craig	1	1	1	1
Adair	1	1	1	1
Bryan	1	1	1	1
Caddo	1	1	1	2
Canadian	1	1	1	1
Carter	2	2	1	1
Cherokee	1	1	1	1
Choctaw	1	1	1	1
Cleveland	2	2	2	2
Comanche	4	4	4	4
Creek	2	2	1	1

Custer	1	1	1	1
Delaware	1	1	1	1
Garfield	2	2	2	2
Garvin	1	1	1	2
Grady	1	1	2	1
Hughes	1	1	1	1
Jackson	1	1	1	2
Kay	2	2	2	2
Kiowa	1	1	1	1
LeFlore	1	1	1	2
Lincoln	1	1	1	1
Logan	1	1	1	1
McClain	1	1	1	1
McCurtain	1	1	1	1
Mayes	1	1	1	1
Muskogee	3	3	2	2
Okfuskee	1	1	1	1
Oklahoma	19	19	19	19
Okmulgee	1	2	2	1
Osage	2	1	1	1
Ottawa	1	1	2	1
Payne	2	2	2	2
Pittsburg	1	2	2	1
Pontotoc	2	1	1	1
Pottawatomie	2	2	2	2
Rogers	1	1	1	1
Seminole	1	1	1	1
Sequoyah	1	1	1	1
Stephens	2	2	1	1
Tillman	1	1	1	1
Tulsa	15	15	15	15
Wagoner	1	1	1	1
Washington	2	2	2	2
Washita	1	1	1	1
Woods	1	1	1	1
	109	109	107	107

PROVIDED, however, that until the Legislature, as apportioned hereunder, shall by appropriate legislation prescribe the boundaries of the Districts, within any one County of the State entitled to elect more than one Representative under the provisions of this Order, the candidates for such representative offices shall be nominated and elected at large within such Counties; and,

PROVIDED FURTHER, that each such office shall be designated and distinguished numerically, according to the number of Representatives to which such County is entitled, and all filings of notification and declaration for nomination and election, pursuant to 26 O.S. §163, to any of the offices herein provided, shall designate the number of the office to which the filings are intended to apply.

The Election Board of the State of Oklahoma, and all those acting by and under its authority, are hereby ordered and directed to accept filings and conduct elections, in accordance with the provisions of this Order and the applicable provisions of Title 26, Oklahoma Statutes, as amended, and they are hereby enjoined and restrained from accepting filings or conducting elections in any manner inconsistent with the provisions of this Order and the statutes of the State of Oklahoma, not inconsistent herewith.

Dated this 17th day of July, 1963.

/s/ Alfred P. Murrah
Alfred P. Murrah

/s/ Ross Rizley
Ross Rizley

/s/ Fred Daugherty
Fred Daugherty

[APPENDIX]

[*Appendix A to Memorandum of Decision and Final Judgment*]

MEMORANDUM OF DECISION GRANTING RESTRAINING ORDER

By Order entered January 15, 1963, this Court restrained the intervening senators from further prosecuting in the Oklahoma Supreme Court an original action involving constitutional issues relating to the Oklahoma apportionment laws which are now in process of litigation in this Court and in this suit. Inasmuch as the intervenors have filed notice of appeal from our Order to the Supreme Court of the United States and to the Court of Appeals, and in view of the protracted course of the litigation, it seems appropriate to bring the Order into its proper context.

When this suit was commenced pursuant to Baker v. Carr, the responsible executive state officers who were made defendants all promptly entered their appearance and consented to the jurisdiction of the Court over the subject matter and their person. The Governor, the Secretary of State, the State Treasurer and the State Election Board all answered confessing the truth of the complaint, and agreeing that the complainant and his class were entitled to the relief sought. The Governor, joined by the other defendants, freely confessed that all available state remedies had been exhausted, and that recourse to the federal court under Baker v. Carr was the only remaining course of action. And see statement of the case in *Moss* v. *Burkhart*, 207 F.Supp 885, 889.

At the April 23, 1962 hearing, on plaintiff's application to enjoin the forthcoming May 1st primary election, the responsible defendants urged us to grant an injunction; the Governor offered to convoke an extraordinary session of the Legislature for the purpose of enacting apportionment laws in compliance with the mandate of the Constitution of the State of Oklahoma and the equal protection clause of the 14th Amendment.

After the hearing, but before final decision, a group of individuals calling themselves "Oklahomans for Local Government" were permitted to intervene. They suggested the absence of necessary parties-defendant and further suggested that in view of the confessions of the defendant-state officials, the proceedings was not adversary, and that there should be a realignment of the parties. They specifically denied malapportionment of the Legislature under existing laws and offered to show a rational basis for the existing apportionment. They affirmatively alleged that the apportionment in accordance with the mandate of the Oklahoma Constitution would operate to deny them and their class the equal protection of the laws guaranteed by the 14th Amendment. Finally, it was alleged that the power to reapportion was vested exclusively in the State Legislature, and that it should be afforded an opportunity to perform its constitutional function either in a special session or the next general session.

At the conclusion of the hearing, the Court sustained its jurisdiction of the subject matter as a justiciable controversy. The majority of the Court refused to enjoin the forthcoming primary election, but called attention to the manifest disparity in the elected representation of both branches of the Oklahoma Legislature, and suggested that on the face of the disparity, the plaintiff was entitled to relief under the plain mandate of the Oklahoma Constitution and the 14th Amendment to the federal Constitution. The case was set for trial approximately 50 days later on the issue of rationality of the admitted disparity. When the case came on for trial, plaintiff and those aligned with him, offered evidence without objection tending to show that the disparity in the legislative apportionment was invidiously discriminatory; that apportionment on a numerical basis was the starting point to achieve equal protection of the laws with respect to the election of representatives to the Oklahoma Legislature. The Attorney General of the

State submitted a formula for reapportionment based primarily upon the requirements of the Oklahoma Constitution, modified to comply with the requirements of the 14th Amendment to the federal Constitution. The first intervenors, though present by counsel and participating, offered no evidence on the issue of rationality. Based upon the evidence adduced, the trial court found that the apportionment was invidiously discriminatory, and that the underlying election laws were prospectively void. But no final relief was decreed or granted. Instead, the case was passed until September 10, 1962 for determination of appropriate remedies. At the same time the Court suggested three probable remedies: (1) apportionment by the Legislature in special session; (2) the pending initiative petition; and (3) judicial intervention only as a last resort. And, in that connection, we noted that in the event it became necessary to bring about reapportionment by judicial intervention, it would be time enough to hear and consider any factors which might enter into the reapportionment equation. See Moss v. Burkhart, p. 895.

Before the date set for the hearing on September 10, the first intervenors moved to alter, amend or clarify the decree. On the day before the motion came on for hearing, and on July 30, the intervening senators, represented by the same counsel who represented the first intervenors, moved for permission to intervene, alleging that they should have been joined as parties from the beginning, and prayed that they be permitted to intervene to protect themselves and "their own civil and political rights." Intervention was allowed. In their answer, they acknowledged jurisdiction of the Court to determine the applicability of the 14th Amendment to the rights and claims of the plaintiff, but denied the power of the court to alter or revise the structure of the legislative department of the State in a manner to interfere with the existence, validity or the incumbency of their respective elective offices. They specifically alleged

that any apportionment based upon census population, as provided in the Oklahoma Constitution, would be invidiously discriminatory against them and in contravention of their rights under the 14th Amendment. Finally, they pray "that the issues raised by the plaintiffs and the defendants as herein controverted be tried and determined in the regular course, fully protecting the rights and interest of these answering defendants under the federal Constitution and laws. * * *"

At the hearing on the motion to modify the June 19 interlocutory decree, one of the intervening senators, apparently appearing on behalf of all of the intervening senators, testified in response to direct questions from the court and counsel that he would "vote for * * * and support * * * with all my might and vigor * * *" the final adjudication of the constitutional issues in this court.

Pursuant to the hearing on the motion to alter and amend, the Court clarified its interlocutory decree of June 19, to specify that it did not affect the validity of the forthcoming general election; and that the interlocutory decree applied prospectively to elections in 1964 and thereafter. Further hearing in the case was set approximately 5 months later on March 8, 1963. Meanwhile, a new Legislature would have been elected and in session for approximately 60 days. As a guideline for an appropriate remedy for the malapportionment, the Court expressed the positive view that the Legislature should be reapportioned substantially in accordance with the Oklahoma Constitution and in accordance with a plan and formula submitted by the State Attorney General.

The initiative referendum providing in substance for the creation of a constitutional commission to reapportion the Legislature in accordance with the existing provisions of the Oklahoma Constitution was submitted to the people on November 6, and the question arose whether the initia-

tive petition had received the required vote of the people and had become the law of the land. The plaintiffs and the responsible state officials sought to clarify the question in this Court as a necessary incident to the determination of appropriate remedies.

About the same time, the intervenors filed a proceedings, first, in the State District Court and then an original proceedings in the Supreme Court of Oklahoma. The original proceedings was an action in the nature of a bill quia temit "to prevent anticipated mischiefs which could not after their occurrence be adequately redressed." The first cause of action sought a declaration to the effect that the initiative petition did not receive the number of required votes and did not become law. The second and third causes of action alleges substantially the same subject matter set forth in their petition for intervention in this case, and seeks substantially the same affirmative relief. When the plaintiff's motion to declare that the initiative petition had become the law of the State came on for hearing in this case, our attention was called to the pendency of the original proceedings in the state court. We thereupon deferred consideration of the same in deference to action by the State Supreme Court. That Court did assume jurisdiction of the first cause of action, but reserved its ruling "as to whether jurisdiction of the remaining causes of action pleaded by the applicants will be assumed." The Oklahoma Court has now determined that the initiative petition "failed of adoption for lack of sufficiency of affirmative votes." Allen, et al. v. Burkhart, et al. (Okla.), decided Dec. 22, 1962. That decision is of course binding here. Thereafter the intervenors amended their petition in the Supreme Court of Oklahoma to reassert the same matters and issues originally pleaded here, and on which the Oklahoma Supreme Court had reserved jurisdiction.

As the litigation now stands, the intervenors are in courts of two sovereign jurisdictions, alleging substantially the same subject matter and seeking substantially the same relief. The gloss of the pleadings may be somewhat different, but the subject matter of the lawsuits and the relief sought are essentially the same. The jurisdiction of both courts may be conceded, as indeed it is. The decisive point of consideration is that early in the course of this litigation, the intervenors invoked this court's jurisdiction and consented to its processes. They now seek to circumvent or frustrate that jurisdiction by provoking unseemly state-federal conflict over the same subject matter. In substance, they would remove a case into which they have intervened to another forum. In this posture, it seems important to sensitive areas of this kind that the Court having first acquired jurisdiction of the subject matter should proceed to a final determination of the tedious questions involved. Any attempted division or dual exercise of the concurrent jurisdiction can lead only to unwarranted confusion, and ought to be avoided. We think that the proper administration of justice and the maintenance of a harmonious state-federal relationship require us to restrain the intervenors from taking their lawsuit elsewhere.

APPENDIX II.

(a) Article V, Sections 1-4, incl., Constitution of Oklahoma (Volume I, pp. 62-63, Oklahoma Statutes 1961).

§ 1. Legislature—Authority and composition—Powers reserved to people

The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution

and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act of the Legislature.

§ 2. Designation and definition of reserved powers—Determination of percentages

The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition and every such petition shall include the full text of the measure so proposed. The second power is the referendum and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the State office receiving the highest number of votes at such election.

§ 3. Petitions—Veto power—Elections—Time of taking effect—Style of bills—Duty of legislature

Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be had at the next election held throughout the State, except when the Legislature or the Governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast

in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be it Enacted By the People of the State of Oklahoma."

Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State and addressed to the Governor of the State, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article.

§ 4. Referendum against part of act

The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of such act from becoming operative.

(b) Article XXIV, Sections 1 and 3, Constitution of Oklahoma (Volume I, p. 137, Oklahoma Statutes 1961).

§ 1. Amendments proposed by Legislature—Submission to vote

Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the Legislature, by a two-thirds vote of each house, shall order a special election for that purpose. If a majority of

all the electors voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this Constitution.

If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

No proposal for the amendment or alteration of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted; provided, however, that in the submission of proposals for the amendment of this Constitution by articles, which embrace one general subject, each proposed article shall be deemed a single proposal or proposition. As amended State Question No. 353, Referendum Petition No. 100. Adopted primary election July 1, 1952.

§ 3. Right of amendment by initiative petition not impaired

This article shall not impair the right of the people to amend this Constitution by a vote upon an initiative petition therefor.

Article 5, Section 30, Oklahoma Constitution:

"Judges of election of members—Quorum—Rules—Disorderly behavior—Journal.

"Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalty as each House may provide.

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior,

and, with the concurrence of two-thirds, expel a member.

"Each House shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either House on any question, at the desire of one-fifteenth of those present shall be entered upon its journal.

"Neither House, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Article V, Sections 9, 9a, 9b and 10, Constitution of Oklahoma (Volume 1, pp. 64-65, Oklahoma Statutes 1961).

§ 9. Membership and term of office

The Senate, except as hereinafter provided, shall consist of not more than forty-four members, whose term of office shall be four years: Provided, That one senator elected at the first election from each even numbered district shall hold office until the fifteenth day succeeding the regular state election in Nineteen Hundred and Eight, and one elected from each odd numbered district at said first election shall hold office until the fifteenth day succeeding the day of the regular state election in Nineteen Hundred and Ten: And Provided further, That in districts electing two senators, the two elected at the first election shall cast lots in such manner as the Legislature may prescribe to determine which shall hold the long and which the short term.

§ 9(a). Senatorial districts—Additional senators

At the time each senatorial apportionment is made after the year Nineteen hundred and Ten the State shall be divided into forty-four districts to be called senatorial districts, each of which shall elect one senator; and the Senate shall always be composed of forty-four senators, except that in event any county shall be entitled to three

or more senators at the time of any apportionment such additional senator or senators shall be given such county in addition to the forty-four senators and the whole number to that extent. Said districts shall be numbered from One to Forty-four inclusive, and each of said districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct, and shall be in as compact form as practicable and shall remain unaltered until the next decennial period, and shall at all times consist of contiguous territory.

§ 9(b). Division of counties, towns and wards—Equality of population

No county shall ever be divided in the formation of a Senatorial district except to make two or more senatorial districts wholly in such county. No town, and no ward in a city, when constituting only one voting precinct, shall be divided in the formation of a senatorial district, nor shall any senatorial district contain a greater excess in population over an adjoining district in the same county than the population of a town, or ward in a city, constituting only one voting precinct therein, adjoining such district. Towns, and wards in cities, constituting only one voting precinct, which may, from their location, be included in either of two senatorial districts, shall be so placed as to make such districts most nearly equal in number of inhabitants.

§ 10. Number and terms—Meeting of first legislature—Apportionment—Review of apportionment

The House of Representatives, until otherwise provided by law, shall consist of not more than one hundred and nine members who shall hold office for two years: Provided, That the representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular state election in Nineteen Hundred and Eight: And Provided, That the day on which state elections shall be held shall be fixed by the Legislature.

(a) The first Legislature shall meet at the seat of government upon proclamation of the Governor on the day named in said proclamation, which shall not be more than thirty days nor less than fifteen days after the admission of the State into the Union.

(b) The apportionment of this State for members of the Legislature shall be made at the first session of the Legislature after each decennial Federal census.

(c) The whole population of the State as ascertained by the Federal census, or in such manner as the Legislature may direct, shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such apportionment.

(d) Every county having a population equal to one-half of said ratio shall be entitled to one representative; every county containing said ratio and three-fourths over shall be entitled to two representatives, and so on, requiring after the first two an entire ratio for each additional representative: Provided, That no county shall ever take part in the election of more than seven representatives.

(e) When any county shall have a fraction above the ratio so large that being multiplied by five the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratio among the several sessions of the decennial period. If there are two ratios, representatives shall be allotted to the fourth and third sessions, respectively; if three, the third, second, and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

(f) Any county forming with another county or counties a representative district during one decennial period, if it has acquired sufficient population, at a fixed decennial

period, shall be entitled to an additional representative, if there shall be left in the district from which it shall have been separated a population sufficient for a representative. No such change shall be made except at the regular decennial period for the apportionment of representatives.

(g) If in fixing any decennial ratio, a county previously a separate representative district shall have less than the number required by the ratio for a representative, such county shall be attached to a county adjoining it and become a part of such representative district.

(h) No county shall ever be divided in the formation of representative districts except to make two or more representative districts in such county. No town, or ward in a city, where it constitutes only one voting precinct, shall be divided in the formation of representative districts, nor shall any representative district contain a greater excess in population over an adjoining district in the same county than the population of a town or ward in a city, constituting only one voting precinct adjoining such district. Counties, towns, or wards in cities, constituting only one voting precinct, which, from location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants.

(i) Ascertaining the ratio of representation according to the Federal census, or such other enumeration as the Legislature may provide, and attaching any county, previously having a separate representative but found to have less than the number required by the ratio, to an adjoining county; and determining the number of representatives each county or district shall be entitled to, and for what sessions of the Legislature within the next decennial period; and apportioning the Senators, shall be done by the Legislature and be presented to the Governor for his approval in the same manner as other bills which may be passed by the Legislature.

(j) An apportionment by the Legislature shall be subject to review by the Supreme Court at the suit of any citizen, under such rules and regulations as the Legislature may prescribe. And such court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

(a) Article V, Section 11, Constitution of Oklahoma. (Volume I, pp. 65-66, Oklahoma Statutes 1961).

§ 11. Senatorial districts—Composition and number of senators

Until the apportionment is made by the Legislature after the next Federal decennial census, the State, except as otherwise provided, shall be divided into thirty-three senatorial districts, each of which shall be composed of the counties as named, shall be numbered and elect senators as follows, namely:

First, Beaver, Cimarron, Harper, and Texas, one senator; Second, Beckham, Dewey, Ellis, and Roger Mills, two senators; Third, Woods and Woodward, one senator; Fourth, Greer, one senator; Fifth, Jackson and Tillman, one senator; Six, Custer, Kiowa, and Washita, two senators; Seventh, Alfalfa and Major, one senator; Eighth, Garfield, one senator; Ninth, Osage, Grant, and Kay, two senators; Tenth, Noble and Pawnee, one senator; Eleventh, Creek and Payne, one senator; Twelfth, Logan, one senator; Thirteenth, Lincoln and Pottawatomie, two senators; Fourteenth, Canadian and Oklahoma, two senators; Fifteenth, Caddo and Grady, two senators; Sixteenth, Blaine and Kingfisher, one senator; Seventeenth, Comanche, Jefferson, Stephens, two senators; Eighteenth, Carter, Love, and Murray, two senators; Nineteenth, Cleveland, Garvin, and McClain, two senators; Twentieth, Atoka, Bryan, and Coal, two senators; Twenty-first, Latimer and Le Flore, one senator; Twenty-second, Hughes and Okfuskee, one senator; Twenty-third,

Pontotoc and Seminole, one senator; Twenty-fourth, Choctaw, McCurtain, and Pushmataha, one senator; Twenty-fifth, Pittsburg, one senator; Twenty-sixth, Marshall and Johnson, one senator; Twenty-seventh, Haskell, McIntosh, and Muskogee, two senators; Twenty-eighth, Adair and Sequoyah, one senator; Twenty-ninth, Mayes and Craig, one senator; Thirtieth, Ottawa, Delaware, and Cherokee, one senator; Thirty-first, Tulsa and Washington, one senator; Thirty-second, Okmulgee and Wagoner, one senator; Thirty-third, Nowata and Rogers, one senator.

(b) Title 14, Sections 9-72, incl., Oklahoma Statutes 1961. (Volume I, pp. 1042-1046, incl., Oklahoma Statutes 1961).

§ 9. Nominating districts—Nominations—Voting

The Second Senatorial District of the State of Oklahoma, as now constituted by law, shall be divided into two nominating districts; Roger Mills, Ellis and Dewey Counties shall constitute one nominating district and shall nominate a candidate for the State Senate in the primary election of 1942, and each four years thereafter; Beckham County shall constitute a nominating district and shall nominate a candidate for the State Senate in said district at the primary election of 1944, and each four years thereafter; and the candidates so nominated in said districts shall be voted for at the general election following such nomination by all the qualified electors in said Second Senatorial District.

§ 10. Sixth district—Nominating districts

The Sixth Senatorial District of the State of Oklahoma, as now constituted by law, shall be divided into two (2) nominating districts: Washita and Kiowa Counties shall constitute one (1) nominating district and shall nominate a candiate for the State Senate at the primary election of 1942, and each four (4) years thereafter; Custer County

shall constitute a nominating district and shall nominate a canididate for the State Senate in said District at the primary election of 1944, and each four (4) years thereafter; and the candidates so nominated in said Districts shall be voted for at the general election following such nomination by all of the qualified electors in said Senatorial District.

§ 11. Ninth and thirty-first districts

From and after the passage of this Act, the Ninth Senatorial District of the State of Oklahoma shall be comprised of the Counties of Grant and Kay; the Thirty-first Senatorial District shall be comprised of the County of Tulsa.

§ 12. Thirty-fourth district

There is hereby created a Senatorial District to be numbered and known as the Thirty-fourth Senatorial District which shall be comprised of the territory embraced within the Counties of Osage and Washington.

§ 13. Number of senators

Hereafter each of said Senatorial Districts shall be represented by one Senator.

§ 14. Election of senators

At the election held in 1920, and each four years thereafter, there shall be elected one Senator from Senatorial District Number Thirty-four; provided, the Senator representing the Ninth Senatorial District, who is a resident of the territory embraced within the Thirty-fourth Senatorial District, shall represent the Thirty-fourth Senatorial District in the State Senate until a successor shall be elected, as hereinabove provided. Provided further, that at the election held in 1922, and every four years thereafter, there shall be elected one Senator each from Senatorial Districts Number Nine and Number Thirty-one.

§ 21. Thirteenth district—Nominating districts

The Thirteenth Senatorial District shall be divided into two nominating districts, Lincoln County constituting one nominating district, and Pottawatomie County shall constitute one nominating district; and the qualified electors of said nominating districts, as herein created, shall each nominate a candidate for State Senator in said district, as provided by law; and the candidates so nominated to be voted for at the general election, by all the qualified electors of said district.

§ 22. Fifteenth District—Nominating districts

The fifteenth Senatorial District shall be divided into two nominating districts; Grady County constituting one nominating district, and Caddo County shall constitute one nominating district, and the qualified electors of said nominating districts, as herein created, shall each nominate a candidate for State Senator in said district, as provided by law; and the candidates so nominated, to be voted for at the general election by all qualified electors of said district.

§ 31. Nominating districts

The Fourteenth Senatorial district shall be divided into two nominating districts, Canadian County constituting one nominating district, and Oklahoma County constituting another nominating district; and the qualified electors of said respective nominating districts as herein created shall each nominate a candidate for State Senator in said district as provided by law; and the candidate so nominated to be voted for at the general election by all the qualified electors of the said fourteenth Senatorial district.

§ 32. Nominations—Primary elections—District election—Additional senator

From each of said nominating districts candidates for State Senator of the State of Oklahoma, shall be nominated by political parties, or by petitioners of the respective dis-

tricts, in the manner provided by law, and such candidates shall be voted for in the primary election to be held as provided by law in each of the nominating districts, and after being nominated as herein provided, and as provided by law, the qualified voters and electors of the Senatorial district at large shall vote on all nominations so made; and no electors at such election shall vote for more than one candidate from each district at said election, unless there shall be added additional and further senators to said district other than those now provided for, and if a further or additional senator shall be provided so as to make three in said Senatorial district, then one of said senators shall be nominated from Canadian County, and the remaining senator or senators shall be nominated from Oklahoma County, and all of the senators thus nominated shall be elected as provided by law.

§ 33. Time for nominations and elections—Intention of act—Number and residence

Canadian County in the nominating district in this act created, shall nominate in said nominating district, one State senator, to be elected in said district at the August primary as provided by law in the year 1918 and such senator so nominated at said primary shall be voted for at the November election in the year 1918, and each four years thereafter. The senator or senators provided by law in said district, other than the one provided for as to Canadian County, shall be nominated at the August primary 1920, and elected at the November election, 1920, and every four years thereafter.

It being the intention of the provisions of this act to give to Canadian County one nominating district for one State senator in said district, and Oklahoma County one nominating senatorial district for one State senator in said district, and Oklahoma County one nominating senatorial district for one or more senators as may be provided by law

in said district, provided always, that said district shall be entitled by law to two senators or more, and it further being the intention of this act that one senator shall be a resident of Canadian County and one senator shall be a resident of Oklahoma County, the county from which the nomination shall be respectively made.

§ 41. Nominating districts—Nominations—Election

The Seventeenth Senatorial District of the State of Oklahoma shall be divided into two nominating districts; Stephens County and Jefferson County constituting one nominating district, and Cotton County and Comanche County shall constitute one nominating district; and the qualified electors of said nominating districts, as herein created, shall each nominate a candidate for State Senator in said district, as provided by law; and the candidates so nominated shall be voted for at the general election, by all the qualified electors of said district.

§ 42. Nominations—Primary and district elections

From each of said nominating districts, candidates for State Senator of the State of Oklahoma, shall be nominated by political parties, or by petitioners of the representative districts, in the manner provided by law, and such candidates shall be voted for in the primary election to be held as provided by law in each of the nominating districts, and after being nominated as herein provided, and as provided by law, the qualified voters and electors of the Senatorial district at large shall vote on all nominations so made; and no electors at such election shall vote for more than one candidate from each district at said election.

§ 43. Time for nominations and elections

Stephens County and Jefferson County, in the nominating district in this Act created, shall nominate in said nominating district one State Senator, to be elected in said district at the August primary as provided by law in the

year 1926, and such Senator so nominated at said primary shall be voted for at the November election in the year 1926, and each four (4) years thereafter. The Senator provided by law in said district comprised of Cotton County and Comanche County shall be nominated at the August primary, 1928, and elected at the November election, 1928, and every four (4) years thereafter.

§ 45.1 Eighteenth and twenty-six districts—Counties constituting

From and after the effective date of this Act, the Eighteenth (18th) Senatorial District of the State of Oklahoma shall be comprised of Carter County; the Twenty-Sixth (26th) Senatorial District shall be comprised of the Counties of Love and Marshall.

§ 45.2 Thirty-sixth district created—Counties constituting

There is hereby created a Senatorial District to be numbered and known as the Thirty-Sixth (36) Senatorial District of the State of Oklahoma, which shall be comprised of the territory embraced within the Counties of Murray and Johnston.

§ 45.3 Each district represented by one senator

Hereafter each of said Senatorial Districts shall be represented by one (1) Senator.

§ 45.4 Time of election of senators

At the general election to be held in 1942, and each four (4) years thereafter, there shall be elected one (1) Senator from Senatorial District No. 36; that at the general election to be held in 1944, and each four (4) years thereafter, there shall be elected one (1) Senator from Senatorial District No. 18, and one (1) Senator from Senatorial District No. 26.

§ 51. Nominating districts—Nominations—Election

The Nineteenth Senatorial District of the State of Oklahoma, as now constituted by law, shall be divided into two Nominating Districts; Cleveland and McClain Counties shall constitute one Nominating District and shall nominate a candidate for the State Senate in the primary election of 1934, and each four years thereafter; Garvin County shall constitute a Nominating District and shall nominate a candidate for the State Senate in said District at the primary election of 1936, and each four years thereafter; and the candidates so nominated in the said districts shall be voted for at the general election following said nomination by all of the qualified electors in said Nineteenth Senatorial District.

§ 52. Twentieth and twenty-fourth districts

From and after the passage of this Act, the Twentieth Senatorial District of the State of Oklahoma shall be comprised of the counties of Bryan and Choctaw; the Twenty-fourth Senatorial District shall be comprised of the Counties of Pushmataha and McCurtain.

§ 53. Thirty-fifth district

There is hereby created a Senatorial District to be numbered and known as the Thirty-fifth Senatorial District, which shall be comprised of the territory embraced within the Counties of Coal and Atoka.

§ 54. Number of senators

Hereafter each of said Senatorial Districts shall be represented by one Senator.

§ 55. Election of senators

At the election held in 1938, and each four years thereafter, there shall be elected one Senator from Senatorial District Numbered Thirty-five; provided, the Senator representing the Twentieth Senatorial District, and whose office expires in 1938, shall represent the Thirty-fifth Senatorial

District in the State Senate until a successor shall be elected as hereinabove set forth; provided, further, that the Senator now representing the Twentieth District, who was elected at the election in 1936, and the Senator now representing the Twenty-fourth District, who is a resident of the territory embraced within said District, shall continue to represent said Senatorial Districts Numbered Twenty and Twenty-four, respectively, until 1940; provided, further, that at the election held in 1940, and every four years thereafter, there shall be elected one Senator from Senatorial Districts Number Twenty and Twenty-four.

§ 61. Nominating districts—Nominations—Election

The twenty-seventh senatorial district of the State of Oklahoma shall be divided into two nominating districts; Muskogee County constituting one nominating district and Haskell and McIntosh Counties shall constitute one nominating district, and the qualified electors of said nominating districts, herein created, shall each nominate a candidate for state senator in said district, as provided by law, and the candidate, so nominated, shall be voted for at the general election by all the qualified electors of said district.

§ 62. Nominations—Primary elections—District election

From each of said nominating districts, candidates for state senator of the State of Oklahoma shall be nominated by political parties or by petitioners of the representative district in the manner provided by law, and such candidates shall be voted for in the primary election to be held, as provided by law, in each nominating district, and after being nominated, as herein provided, and as provided by law, the qualified voters and electors and the senatorial district at large, shall vote on all nominations, so made, and no elector at such election shall vote for more than one candidate from each district at said election.

§ 63. Time for nominations and elections

Muskogee County, in the nominating district, in this Act created, shall nominate in said nominating district one state senator, to be nominated in said district at the August primary, as provided by law, in the year 1926, and such senator, so nominated, at the said primary, shall be voted for at the November election in the year 1926 and each four years thereafter. The senator, provided by law in said district, comprised of Haskell and McIntosh Counties shall be nominated at the August primary, 1928, and elected at the November election in 1928 and every four years thereafter.

§ 71. Twenty-eighth district—Counties comprising

From and after the passage of this Act the Twenty-eighth Senatorial District of the State of Oklahoma shall be comprised of Adair, Cherokee and Sequoyah Counties.

§ 72. Thirtieth district—Counties comprising

From and after the passage of this Act the Thirtieth Senatorial District of the State of Oklahoma shall be comprised of Ottawa and Delaware Counties.

Title 14, Sections 97-100, incl., Oklahoma Statutes 1961 (Volume I, pp. 1047-1051, incl., Oklahoma Statutes 1961).

§ 97. Decennial legislative period—Biennial legislative period or sessions—Election of representatives

The ten-year period beginning the 16th day after the general election in November, 1962, and ending the 15th day after the general election in November, 1972, shall constitute a Decennial Legislative Period, unless otherwise provided by law. And the period is hereby divided into five legislative periods or sessions of two years each with the number of representatives assigned to each county for

each of the legislative periods to be those shown in Section 3 of this Act.

Representatives assigned to each county for each of the five legislative periods shall be elected at the general election in the month of November next preceding the commencement of the respective legislative period.

Unless otherwise provided by law the representatives assigned to each county for each legislative period shall be nominated and elected at large by the electors of the respective counties.

§ 98. Legislative periods

Legislative periods provided for in Section 1 of this Act shall cover these periods:

(a) The first legislative period shall begin on the 16th day after the general election in November, 1962, and end with the 15th day after the general election in November, 1964.

(b) The second legislative period shall begin on the 16th day after the general election in November, 1964, and end with the 15th day after the general election in November, 1966.

(c) The third legislative period shall begin on the 16th day after the general election in November, 1966, and end with the 15th day after the general election in November, 1968.

(d) The fourth legislative period shall begin on the 16th day after the general election in November, 1968, and end with the 15th day after the general election in November, 1970.

(e) The fifth legislative period shall begin on the 16th day after the general election in November, 1970, and

end with the 15th day after the general election in November, 1972.

§ 99. Representation of each county in each period

Until another apportionment of the House of Representatives shall be made in accordance with the terms of the Constitution and laws of Oklahoma, the House of Representatives shall be composed of the representation listed in the table below, and this representation shall be the legislative apportionment of the House of Representatives for each of the five periods, as established in Section 2 of this Act.

The legislative apportionment by legislative periods are hereby fixed as follows, subject, however, to such change as may be required by operation of Section 6 of this Act.

COUNTIES	FIRST PERIOD	SECOND PERIOD	THIRD PERIOD	FOURTH PERIOD	FIFTH PERIOD
Adair	1	1	1	1	1
Alfalfa	1	1	1	1	1
Atoka	1	1	1	1	1
Beaver	1	1	1	1	1
Beckham	1	1	1	1	1
Blaine	1	1	1	1	1
Bryan	2	2	2	2	2
Caddo	2	2	2	2	2
Canadian	2	2	2	2	2
Carter	2	2	2	2	2
Cherokee	1	1	1	1	1
Choctaw	1	1	1	1	1
Cimarron	1	1	1	1	1
Cleveland	3	3	3	3	3
Coal	1	1	1	1	1
Comanche	4	4	4	4	4
Cotton	1	1	1	1	1
Craig	1	1	1	1	1

Creek	2	2	2	2	2
Custer	1	1	1	1	1
Delaware	1	1	1	1	1
Dewey	1	1	1	1	1
Ellis	1	1	1	1	1
Garfield	3	3	3	3	3
Garvin	2	2	2	2	2
Grady	2	2	2	2	2
Grant	1	1	1	1	1
Greer	1	1	1	1	1
Harmon	1	1	1	1	1
Harper	1	1	1	1	1
Haskell	1	1	1	1	1
Hughes	1	1	1	1	1
Jackson	2	2	2	2	2
Jefferson	1	1	1	1	1
Johnston	1	1	1	1	1
Kay	3	3	3	3	3
Kingfisher	1	1	1	1	1
Kiowa	1	1	1	1	1
Latimer	1	1	1	1	1
Le Flore	2	2	2	2	2
Lincoln	1	1	1	1	1
Logan	1	1	1	1	1
Love	1	1	1	1	1
McClain	1	1	1	1	1
McCurtain	2	2	2	2	2
McIntosh	1	1	1	1	1
Major	1	1	1	1	1
Marshall	1	1	1	1	1
Mayes	1	1	1	1	1
Murray	1	1	1	1	1
Muskogee	3	3	3	3	3
Noble	1	1	1	1	1
Nowata	1	1	1	1	1
Okfuskee	1	1	1	1	1

Oklahoma	7	7	7	7	7
Okmulgee	2	2	2	2	2
Osage	2	2	2	2	2
Ottawa	2	2	2	2	2
Pawnee	1	1	1	1	1
Payne	2	2	2	2	2
Pittsburg	2	2	2	2	2
Pontotoc	2	2	2	2	2
Pottawatomie	2	2	2	2	2
Pushmataha	1	1	1	1	1
Roger Mills	1	1	1	1	1
Rogers	1	1	1	1	1
Seminole	2	2	2	2	2
Sequoyah	1	1	1	1	1
Stephens	2	2	2	2	2
Texas	1	1	1	1	1
Tillman	1	1	1	1	1
Tulsa	7	7	7	7	7
Wagoner	1	1	1	1	1
Washington	2	2	2	2	2
Washita	1	1	1	1	1
Woods	1	1	1	1	1
Woodward	1	1	1	1	1
Total	120	120	120	120	120

§ 100. Division of certain counties into legislative districts

(a) Oklahoma County shall be divided into seven (7) legislative districts as follows:

(1) Legislative District No. 1, Oklahoma County, shall contain the following described territory. Beginning at the intersection of May Avenue and Reno Street and extending along the center line of Reno Street to the center line of High Avenue; thence south to the center line of Southeast 15th Street, Oklahoma City; thence west to the center

line of Western Avenue; thence south along the center line of Western Avenue to the center line of Southwest 29th Street, Oklahoma City; thence west to the center line of Pennsylvania Avenue; thence south to the center line of Grand Boulevard; thence west to the western boundary of Section 18, Township 11 North, Range 3 West; thence south of said boundary to the Cleveland County line; thence west to the intersection of the Oklahoma County County line; thence north along the western boundary of Oklahoma County to the northwest corner of Deer Creek Township; thence east along the northern boundary of Oklahoma County to the intersection thereof with the Edmond Township; thence south along the western boundary of Range 3 West to the corporate limits of Oklahoma City; thence south on the center line of May Avenue to the center line of Reno Street and point of beginning.

(2) Legislative District No. 2, Oklahoma County, shall contain the following described territory: Beginning at the intersection of High and Reno Streets in Oklahoma City and extending north on the center line of High Avenue, or western boundary line of Section 35, Township 12 North, Range 3 West, to the intersection of Northeast 10th Street; thence east on the center line of Northeast 10th Street and Alice Street to the corporate limits of Oklahoma City; thence east on the southern boundary line of Section 25, Township 12 North, Range 3 West, to the western boundary of Crutcho Township; thence east to the county line; thence south to the county line; thence west to the intersection of county line with the western boundary of Section 31, Township 11 North, Range 3 West; thence north along said line to the corporate limits of Oklahoma City or Grand Boulevard; thence east on center line of Grand Boulevard to Pennsylvania Avenue, Oklahoma City; thence north along center line of Pennsylvania Avenue to the center line of

Southwest 29th Street, thence east to the center line of Western Avenue; thence north to the center line of Southwest 15th Street; thence east to the center line of High Avenue or point of beginning.

(3) Legislative District No. 3, Oklahoma County, shall contain the following described territory: Beginning at the intersection of Pennsylvania Avenue and Northwest 36th Street, and extending east along the center line of Northwest 36th Street to the center line of Western Avenue; thence south along the center line of Western Avenue to the center line of Northwest 23rd Street; thence east along the center line of 23rd Street to the center line of Harvey Avenue; thence south along the center line of Harvey Avenue to the center line of Northwest 10th Street; thence west along the center line of Northwest 10th Street to the center line of Pennsylvania Avenue and thence north along said center line to Northwest 36th Street, or place of beginning.

(4) Legislative District No. 4, Oklahoma County, shall contain the following described territory: Beginning at the intersection of North Harvey Avenue and Northwest 23rd Street in Oklahoma City, and extending east along the center line of Northwest 23rd and Northeast 23rd Streets to Kelley Avenue; thence north along the center line on Kelley Avenue to its intersection with Northeast 50th Street; thence east along the center line of Northeast 50th Street to the western boundary of Crutcho Township; thence south along the western boundary of Crutcho Township to the center of Northeast 10th Street; thence west along the center line of Northeast 10th Street and Northwest 10th Street to the center line of North Harvey Avenue; thence north along the center line of North Harvey Avenue to the point of beginning.

(5) Legislative District No. 5, Oklahoma County, shall contain the following described territory: Beginning at the

intersection of May Avenue, and Northwest 10th Street, and extending east along the center line of Northwest 10th Street and Northeast 10th Street to the center line of Kelley Avenue; thence south along the center line of Kelley Avenue and High Street to the center line of Reno Avenue; thence west along the center line of Reno Avenue to the center line of May Avenue; thence north along the center line of May Avenue, to the center line of Northwest 10th Street or place of beginning.

(6) Legislative District No. 6, Oklahoma County, shall contain the following described territory: Beginning at the intersection of Northwest 23rd Street and Western Avenue; thence east along the center line of Northwest 23rd Street and Northeast 23rd Street to Kelley Avenue; thence north along the center line of Kelley Avenue to the intersection of Northeast 50th Street; thence east along the center line of Northeast 50th Street to the western boundary of Crutcho Township; thence south along the western boundary of Crutcho Township to its intersection with Northeast 10th Street; thence east along the center line of Northeast 10th Street extended to the Pottawatomie County line; thence north along the eastern boundary to Elk, Dewey and Luther Townships to the Logan County line; thence west along said line and the north line of Luther, Deepfork and Lincoln Townships to the Edmond Township line; thence south along the western boundary of Lincoln and Hartzell Townships to the Oklahoma Township line; thence west along said Township line to the center of North Western Avenue; thence south along the center line of North Western Avenue to the intersection of same with Northwest 23rd Street or the point of beginning.

(7) Legislative District No. 7, Oklahoma County, shall contain the following described territory: Beginning at the intersection of May Avenue and Northwest 10th Street and extending east along the center line of Northwest 10th

Street to the center line of Pennsylvania Avenue; thence north along the center line of Pennsylvania Avenue to the center line of Northwest 36th Street; thence east along the center line of Northwest 36th Street to the center line of Western Avenue; thence north along the center line of North Western Avenue to the corporate limits of Oklahoma City; thence north along the western boundary of Sections 9 and 4, Township 12 North, Range 3 West to the Britton Township line; thence east along the Britton Township line to the western boundary of Hartzell Township; thence north along the western boundary of Hartzell and Lincoln Township to the Logan County line; thence west six miles to the western boundary of Edmond Township; thence south along the western boundary of Edmond, Britton and Oklahoma Townships to the corporate limits of Oklahoma City; thence south to the center line of May Avenue, to the intersection of Northwest 10th Street or point of beginning.

(b) Garfield County shall be divided into three (3) legislative districts as follows:

(1) Legislative District No. 1 and Legislative District No. 2 shall consist of the City of Enid. Candidates in these districts shall be residents of such districts and shall be nominated in primary elections by the electors of these districts and elected in the general elections by the electors of these districts.

(2) Legislative District No. 3 shall consist of all of Garfield County not embraced in District No. 1 and District No. 2. Candidates in this district shall be residents of this district and shall be nominated and elected by the electors of the district.

(c) Creek County shall be divided into two (2) legislative districts as follows:

(1) Legislative District No. 1 shall include the City of Sapulpa, the Town of Kiefer, and the following townships: Mannford, Hazlip, Sapulpa, Kellyville, and Mounds.

(2) Legislative District No. 2 shall include the cities of Drumright and Bristow and the following townships: Tiger, Olive, Shannon, Depew, Bristow, Sunnyslope, Lakeside, Newby, and Euchee.

Candidates in these districts shall be electors of such districts and shall be nominated in primary elections by the electors of these districts and elected in the general elections by the electors of the county at large.

(d) Le Flore County shall be divided into two (2) legislative districts as follows:

(1) Legislative District No. 1 shall include the following election precincts as now established or as may hereafter be changed or altered:

Cowlington Pct. No. 1, Tucker Pct. No. 2, Spiro Pct. No. 1, Spiro Pct. No. 2, Spiro Pct. No. 3, Braden Pct. No. 1, Skulleyville Pct. No. 2, Pocola Pct. No. 1, Arkoma Pct. No. 2, Bokoshe Pct. No. 1, Bokoshe Pct. No. 2, Bokoshe Pct. No. 3, Milton Pct., Cameron Pct. No. 1, Williams Pct. No. 2, Rock Island Pct. No. 3, Tahoma Pct. No. 4, Shady Point Pct. No. 1, Panama Pct. No. 2, Hill Pct. No. 1, Gilmore Pct. No. 2, Monroe Pct., Tarby Pct. No. 2, Fairview Pct. No. 3, Calhoun Pct. No. 1, Walls Pct. No. 2, Wister Pct. No. 1, Fanshawe Pct. No. 2, Kennedy Pct. No. 3.

(2) Legislative District No. 2 shall include the following election precincts as now established or as may hereafter be changed or altered:

Poteau City Ward No. 1, Poteau City Ward No. 2, Poteau City Ward No. 3, Poteau City Ward No. 4, Howe Pct. No. 1, Howe Pct. No. 2, Glendale, Howe Pct. No. 3, Oakridge Pct. No. 4, Heavener City Ward No. 1, Heavener

City Ward No. 2, Heavener City Ward No. 3, Heavener City Ward No. 4, Summerfield Pct. No. 1, Le Flore Pct. No. 2, Heavener Twp. Pct. No. 2, Reichert Pct. No. 3, Norman Pct. No. 4, Independence Pct. No. 5, Conser Pct. No. 1, Hodgen Pct. No. 2, Hontubby Pct. No. 3, Stapp Pct. No. 4, Page Pct. No. 1, Haw Creek Pct. No. 2, Muse Pct. No. 1, Big Cedar Pct. No. 2, Octavia Pct. No. 1, Cusher Pct. No. 2, Burkhart Pct. No. 3, Talihina Pct. No. 1, Forest Grove Pct. No. 2, Whitesboro Pct. No. 3, Forrester Pct. No. 6, Forrest Hill Pct. No. 7, Midway Pct. (Monroe Twp.).

(3) In order to file as a candidate in either district the candidate must have lived the six (6) months immediately preceding filing date in said district, and the candidates so filing shall be voted on in primary elections by the electors of their particular district, and shall be voted on in the general election by the electors of the county at large.

(c) Payne County shall be divided into two (2) legislative districts as follows:

(1) Legislative District No. 1 shall include the following townships as in existence at the time of the effective date of this Act: Rose, Pawnee, Cimarron, Mound, Eagle, Union, Indian, Clayton, Henry, and Glencoe.

(2) Legislative District No. 2 shall include all of Payne County not embraced in Legislative District No. 1, as created by this Act.

(3) Candidates in these districts shall be electors of such districts and shall be nominated in the primary elections by the electors of the respective district and elected in the general elections by the electors in the respective legislative district.

(f) Seminole County shall be divided into two (2) legislative districts as follows:

(1) Legislative District No. 1 shall be composed of the following townships: Red Mound, Brown, Miller, Lincoln, and Konawa.

(2) Legislative District No. 2 shall be composed of the following townships: Econtuchka and Wolf.

(3) Candidates in these districts shall be electors of such districts and shall be nominated in the primary elections by the electors of the respective district and elected in the general elections by the electors in the respective legislative district.

APPENDIX III.

LEGISLATIVE APPORTIONMENT—HOUSE OF REPRESENTATIVES

CHAPTER 11 [2]

An Act relating to legislative apportionment of the House of Representatives under the provisions of section 10, article 5 of the Constitution of Oklahoma; prescribing a decennial legislative period beginning the sixteenth day after the general election in November, 1962, and ending the fifteenth day after the general election in November 1972; dividing the decennial period into five legislative periods of two years each; establishing representative districts and the boundaries thereof; designating the number of representatives for each legislative period during the decennial legislative period; repealing conflicting laws; and making provisions severable.

---

[2] 14 O.S. 1961 §§ 102-106.

Be it enacted by the People of the State of Oklahoma:

Section 1. Decennial legislative period—Biennial legislative periods or sessions—Elections

The ten-year period beginning the 16th day after the general election in November, 1962, and ending the 15th day after the general election in November, 1972, shall constitute a Decennial Legislative Period, unless otherwise provided by law. And the Period is hereby divided into five Legislative Periods or sessions of two years each with the number of representatives assigned to each county or multi-counties for each of the Legislative Periods, except the first Period, to be those shown in Section 3 of this Act. Representatives for the first Period shall be those provided by law.

Representative post or posts assigned to each county or multi-counties for the respective Legislative Period shall be filed by nominees elected at the general election in the month of November next preceding the commencement of the respective Legislative Period.

And, unless otherwise provided by law, the representative or representatives assigned for each county or multi-counties for the respective Legislative Period shall be nominated and elected at large by the electors of the respective county or counties.

Section 2. Legislative periods

Legislative Periods provided for in Section 1 of this Act shall cover these periods:

(a) The first Legislative Period shall begin on the 16th day after the general election in November, 1962, and end with the 15th day after the general election in 1964.

(b) The second Legislative Period shall begin on the 16th day after the general election in November, 1964, and

end with the 15th day after the general election in November, 1966.

(c) The third Legislative Period shall begin on the 16th day after the general election in November, 1966, and end with the 15th day after the general election in November, 1968.

(d) The fourth Legislative Period shall begin on the 16th day after the general election in November, 1968, and end with the 15th day after the general election in November, 1970.

(e) The fifth Legislative Period shall begin on the 16th day after the general election in November, 1970, and end with the 15th day after the general election in November, 1972.

Section 3. Representation of each county in each period

Until another apportionment of the House of Representatives shall be made in accordance with the provisions of the Constitution and laws of Oklahoma, the House of Representatives shall be composed of the representation listed in the table hereinafter set forth. It is the legislative interpretation of the provisions of the Oklahoma Constitution relating to apportionment of representatives that since a county having a population of at least one-half ratio is entitled to one full time representative, then for each additional one-fifth of a full ratio, the county or combination of counties may have an additional representative for a legislative session during the decennial period. The name of each county and the names of attached counties, together with representation entitlements, are listed under columns designated for the second, third, fourth and fifth Legislative Periods. The apportionments:

COUNTIES	2ND LEG. PERIOD	3RD LEG. PERIOD	4TH LEG. PERIOD	5TH LEG. PERIOD
Alfalfa-Grant	2	1	1	1
Atoka-Pushmataha	2	1	1	1
Beaver-Harper	1	1	1	1
Cimarron-Texas	2	1	1	1
Coal-Hughes	2	1	1	1
Cotton-Jefferson	1	1	1	1
Craig-Nowata	2	2	1	1
Dewey-Ellis-Roger Mills	2	1	1	1
Greer-Harmon	1	1	1	1
Haskell-Latimer	2	1	1	1
Johnston-Murray	2	1	1	1
Kingfisher-Major	2	1	1	1
Love-Marshall	1	1	1	1
Noble-Pawnee	2	2	1	1
Adair	1	1	1	1
Beckham	2	1	1	1
Bryan	1	2	2	1
Blaine	1	1	1	1
Caddo	2	2	1	1
Canadian	1	2	2	1
Carter	2	2	2	1
Cherokee	1	1	1	1
Choctaw	1	1	1	1
Cleveland	3	2	2	2
Comanche	4	4	4	4
Creek	2	2	2	1
Custer	1	2	2	1
Delaware	1	1	1	1
Garfield	2	3	3	2
Garvin	2	2	1	1
Grady	2	2	1	1

Jackson	2	2	1	1
Kay	2	3	3	2
Kiowa	1	1	1	1
LeFlore	2	2	1	1
Lincoln	1	1	1	2
Logan	1	1	1	2
McClain	1	1	1	1
McCurtain	2	2	1	1
McIntosh	1	1	1	1
Mayes	1	1	1	2
Muskogee	3	3	3	2
Okfuskee	1	1	1	1
Oklahoma	7	7	7	7
Okmulgee	2	2	2	1
Osage	2	2	2	1
Ottawa	2	2	1	1
Payne	2	2	2	2
Pittsburg	2	2	2	1
Pontotoc	2	2	1	1
Pottawatomie	2	2	2	2
Rogers	1	1	1	2
Seminole	2	2	1	1
Sequoyah	1	1	1	2
Stephens	2	2	2	1
Tillman	1	1	1	1
Tulsa	7	7	7	7
Wagoner	1	1	1	1
Washington	2	2	2	2
Washita	1	1	1	2
Woods	1	1	1	1
Woodward	1	1	1	1
TOTALS	112	107	96	91

Provided however that when a legislative district contains two counties and said legislative district shall be entitled to two representatives, then each said county shall be a nominating district.

Section 4. Creek County—Division into two legislative districts

Creek County shall be divided into two (2) legislative districts as follows:

(1) Legislative District No. 1 shall include the City of Sapulpa, the Town of Kiefer, and the following townships. Mannford, Hazlip, Sapulpa, Kellyville and Mounds.

(2) Legislative District No. 2 shall include the cities of Drumright and Bristow and the following townships: Tiger, Olive, Shannon, Depew, Bristow, Sunnyslope, Lakeside, Newby and Euchee.

Section 5. Legislative districts

Any county eligible for and receiving an apportionment of two or more representatives for any of the Legislative Periods in the Decennial Legislative Period may have districts as provided by law. Counties without legislative districts shall nominate and elect Representatives from the county-at-large.

Section 6. Repealer

Title 14, O.S. 1961, Sections 97 through 99, 100(b), (c), (d), (e) and (f), and 101, and all parts of acts in conflict herewith are hereby repealed.

Section 7. Severability

The provisions of this Act are severable, and if any part or provision hereof shall be held void, the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Approved March 7, 1963.

APPENDIX IV.

RESOLUTIONS

LEGISLATIVE APPORTIONMENT—SENATE

S.J. Res. No. 8 [9]

A Joint Resolution relating to apportionment of the members of the Oklahoma State Senate; designating districts; and repealing conflicting laws.

WHEREAS, the people of Oklahoma by adoption of the Constitution of Oklahoma have provided for a method of determining membership in the State Legislature; and

WHEREAS, the Constitution of the State of Oklahoma specifies that the State shall be divided into districts for the election of State Senators and further states that such districts shall be based upon population as "ascertained by the next preceding Federal Census, or in such manner as the Legislature may direct"; and

WHEREAS, the quoted provision of the Constitution of the State of Oklahoma specifically authorizes a determination of districts in such manner as the Legislature may direct; and

WHEREAS, by other standards and guides written into the Constitution of the State of Oklahoma, it is apparent that the Legislature is authorized to consider other factors in addition to the number of persons within a district; and

WHEREAS, a census is not a true representation of the permanent population of an area because of the inclusion within such census of migratory, transient, and temporary residents; and

---

[9] 14 O.S. 1961, §§ 78.1-78.11.

WHEREAS, the number of registered voters and the number of people actually voting in the last election, among other factors, should be taken into consideration in determining permanent population; and

WHEREAS, the Legislature should truly reflect a representation of the permanent citizens of an area in order to provide proper legislation for those affected; and

WHEREAS, twenty-two of the present State Senators were elected at the general election of 1962 for a term of four years, and the interests of the State of Oklahoma and its people will be best served by permitting each of such incumbent Senators to serve out the entire term for which he was elected.

Now, Therefore, be it resolved by the Senate and the House of Representatives of the Twenty-Ninth Legislature of the State of Oklahoma:

Section 1. Representation as based on permanent population

Under the authority of the Oklahoma Constitution, it is hereby declared that representation in the Oklahoma State Senate shall be based on the permanent population of the counties.

Section 2. Division of state into districts

The State of Oklahoma is hereby divided into forty-seven senatorial districts to be numbered and to include the territory within the counties hereafter indicated, and one State Senator shall be elected from each such district:

District Number	*Counties in Districts*
1	Cimarron, Texas, Beaver, Harper
2	Beckham, Harmon, Greer
3	Jackson, Tillman
4	Kiowa, Washita
5	Custer, Dewey, Roger Mills
6	Woods, Ellis, Woodward
7	Major, Grant, Alfalfa
8	Blaine, Canadian
9	Caddo
10	Comanche
11	Stephens
12	Grady
13	Kingfisher, Logan
14	Garfield
15	Kay
16	Payne
17	Oklahoma
18	Oklahoma
19	Oklahoma
20	Oklahoma
21	Cleveland
22	Garvin, McClain
23	Carter
24	Cotton, Jefferson, Love, Marshall
25	Murray, Johnston, Coal, Atoka
26	Pontotoc
27	Pottawatomie
28	Seminole, Hughes
29	Lincoln, Okfuskee
30	Creek
31	Osage, Noble, Pawnee
32	Washington
33	Tulsa
34	Tulsa

35	Tulsa
36	Okmulgee
37	Pittsburg
38	Bryan, Choctaw
39	Pushmataha, McCurtain
40	LeFlore
41	Haskell, Latimer, McIntosh
42	Muskogee
43	Sequoyah, Adair
44	Wagoner, Cherokee
45	Rogers, Nowata
46	Craig, Mayes
47	Ottawa, Delaware

Section 3. Districts 17, 18, 19 and 20—Area

Districts Nos. 17, 18, 19, and 20 shall be wholly within Oklahoma County, and shall respectively comprise the following described area:

Oklahoma County shall be divided into four senatorial districts as follows:

(a) District No. 17 shall comprise the following described area: Beginning at the intersection of North 10th Street and the center line of the Santa Fe Railroad in Oklahoma City, thence northerly along the center line of the Santa Fe Railroad to the northern Oklahoma County boundary, thence west to the western Oklahoma County boundary, thence south to the center line of North 10th Street, thence east to the center line of the Santa Fe Railroad, which is the point of beginning.

(b) District No. 18 shall comprise the following described area: Beginning at the intersection of North 10th Street and the center line of the Santa Fe Railroad in Oklahoma City, thence northerly along the center line of

the Santa Fe Railroad to the northern Oklahoma County boundary, thence east to the eastern Oklahoma County boundary, thence south to the center line of North 10th Street, thence west to the center line of the Santa Fe Railroad, which is the point of beginning.

(c) District No. 19 shall comprise the following described area: Beginning at the intersection of North 10th Street and the center line of the Santa Fe Railroad in Oklahoma City, thence southerly along the center line of the Santa Fe Railroad to the southern Oklahoma County boundary, thence west to the western Oklahoma County boundary, thence north to the center line of North 10th Street, thence east to the center line of the Santa Fe Railroad, which is the point of beginning.

(d) District No. 20 shall comprise the following described area: Beginning at the intersection of North 10th Street and the center line of the Santa Fe Railroad in Oklahoma City, thence southerly along the center line of the Santa Fe Railroad to the southern Oklahoma County boundary, thence east to the eastern Oklahoma County boundary, thence north to the center line of North 10th Street, thence west to the center line of the Santa Fe Railroad, which is the point of beginning.

Section 4. Districts 33, 34 and 35—Area

Districts Nos. 33, 34, and 35 shall be wholly within Tulsa County, and shall respectively comprise the following described area:

(a) District No. 33 shall comprise all that portion of Tulsa County lying north of a line described as: Beginning at a point where Fairview Street intersects the boundary line between Tulsa County and Osage County, thence east along the center line of Fairview Street to Main Street; thence south along the center line of Main Street to the

Frisco Railroad; thence northeasterly along the center line of the Frisco Railroad to Lewis Avenue; thence south along the center line of Lewis Avenue to 5th Street; thence east along the center line of 5th Street to Harvard Avenue; thence north along the center line of Harvard Avenue to 4th Place; thence east along the center line of 4th Place to Memorial Drive; thence north along the center line of Memorial Drive to Admiral Place; thence east on Admiral Place to 145th Street East; thence north along the center line of 145th Street East to a point where 145th Street East intersects the boundary line between Tulsa County and Rogers County, at the extreme southwest corner of Rogers County.

(b) District No. 34 shall comprise all of that portion of Tulsa County lying south and west of a line described as: Beginning at a point where Fairview Street intersects the boundary line between Tulsa County and Osage County, thence east along the center line of Fairview Street to Main Street; thence south along the center line of Main Street to the Frisco Railroad; thence northeasterly along the center line of the Frisco Railroad to Lewis Avenue; thence south along the center line of Lewis Avenue to 13th Street; thence west along the center line of 13th Street to Peoria Avenue; thence south along the center line of Peoria Avenue to 61st Street, thence west along the center line of 61st Street to the east bank of the Arkansas River, thence southward following the east bank of the Arkansas River to a point opposite and directly north of Mingo Road; thence south across the Arkansas River, and following the center line of Mingo Road to the intersection of Mingo Road and the boundary line between Tulsa County and Okmulgee County.

(c) District No. 35 shall comprise all of that portion of Tulsa County lying south and east of a line described as: Beginning at a point where 145th Street East intersects the boundary line between Tulsa County and Rogers County

at the extreme southwest corner of Rogers County, thence south along the center line of 145th Street East to Admiral Place; thence west along the center line of Admiral Place to Memorial Drive; thence south along the center line of Memorial Drive to 4th Place; thence west along the center line of 4th Place to Harvard Avenue; thence south along the center line of Harvard Avenue to 5th Street; thence west along the center line of 5th Street to Lewis Avenue; thence south along the center line of Lewis Avenue to 13th Street; thence west along the center line of 13th Street to Peoria Avenue; thence south along the center line of Peoria Avenue to 61st Street; thence west along the center line of 61st Street to the east bank of the Arkansas River; thence southward, following the east bank of the Arkansas River to a point opposite and directly north of Mingo Road; thence south across the Arkansas River and following the center line of Mingo Road to the intersection of Mingo Road and the boundary line between Tulsa County and Okmulgee County.

Section 5: Four year tenure

The term of office of all State Senators shall be four years, except as herein provided.

Section 6. Senators elected in 1964—Tenure

One State Senator shall be elected from each of the following numbered districts at the regular State general election held during the year Nineteen Hundred Sixty-four; and the Senator so elected from each such district shall hold office for a term of four years commencing the fifteenth day succeeding such general election:

DISTRICTS NOS. 2, 5, 9, 10, 13, 14, 17, 19, 22, 23, 24, 26, 27, 28, 31, 32, 34, 36, 38, 39, 41, 43, 44, 47.

Section 7. Senators elected in 1966—Tenure

One State Senator shall be elected from each of the following numbered districts at the regular State general

election held during the year Nineteen Hundred Sixty-six; and the Senator so elected from each such district shall hold office for a term of four years commencing the fifteenth day succeeding such general election:

DISTRICTS NOS. 1, 3, 4, 6, 7, 8, 11, 12, 15, 16, 18, 20, 21, 25, 29, 30, 33, 35, 37, 40, 42, 45, 46.

Section 8. Senators elected from Districts 18, 20, 30, and 33 in 1964—Tenure

Notwithstanding any provision herein to the contrary, State Senators shall be elected from Districts Nos. 18, 20, 30, and 33 at the regular State general election held during the year Nineteen Hundred Sixty-four, and the Senator so elected from each such district shall hold office for a term of two years commencing the fifteenth day succeeding such general election.

Section 9. Certain senators elected in 1962—Tenure

Notwithstanding any provision herein to the contrary, each State Senator heretofore elected for a four-year term at the general election held during the year Nineteen Hundred Sixty-two from a previously-existing senatorial district comprising in whole or in part territory by this Act included within District No. 5 or District No. 28, as herein described, shall serve for the remainder of the four-year term for which he was elected, or until fifteen days succeeding the regular general election held during the year Nineteen Hundred Sixty-six, unless he shall sooner vacate such office.

Section 10. Twenty-two senators elected in 1962—Tenure

Twenty-two of the present State Senators who were elected at the general election of 1962 for terms of four years shall continue to serve for the term of office for which they were elected.

Section 11. Legislative intent

It is hereby declared to be the intention of the legislature that neither this Act, nor any section, clause, provision, part, or sentence thereof shall be severable from or exist separately from this Act or any other section, clause, provision, part, or sentence thereof; and that if any such section, clause, provision, part, or sentence of this Act shall hereafter be adjudged by final judgment of any court of competent jurisdiction to be unconstitutional, or otherwise invalid or ineffective for any reason whatever, then and in that event this entire Act and each and every section and provision thereof shall thereby be invalidated, and this Act shall thereupon be null and void in its entirety for all purposes.

Section 12. Repealer

14 O.S. 1961, §§ 9 through 14, 21, 22, 31, 32, 33, 41, 42, 43, 45.1, 45.2, 45.3, 45.4, 51, 52, 53, 54, 55, 61, 62, 63, 71, and 72 are hereby repealed.

Approved March 7, 1963.

APPENDIX V.

LEGISLATURE—APPORTIONMENT
S.J. Res. No. 4

A Joint Resolution directing the Secretary of State to refer to the people an amendment to Article V of the Oklahoma Constitution relating to apportionment of the State Legislature; providing formulae for determination of membership of Legislature; establishing four-year terms for Senators and two-year terms for Representatives; directing Legislature to apportion the Legisla-

ture; creating an Apportionment Commission; designating members thereof; directing Commission to apportion Legislature when Legislature fails to act; providing for review of legislative or commission apportionment by the Oklahoma Supreme Court; authorizing Supreme Court to require Commission to reapportion under the provisions of the Oklahoma Constitution; requiring court to issue decision within certain time; repealing conflicting sections of Oklahoma Constitution; providing for ballot title; and ordering a special election.

WHEREAS, the history of the United States under a republican form of government, as established by the Constitution, recognizes the value of representative government based on governmental units with like political, social, and economic interests; and

WHEREAS, to properly balance conflicting views and opposite purposes, it is desirable that the legislature of a democratic government provide for adequate and fair representation of those groups which have similar political, social, and economic interests; and

WHEREAS, the establishment of county units of government by the Constitution of Oklahoma was based upon a consideration of the political, social, and economic similarity of interests of the people included within such governmental units; and

WHEREAS, the growth and progress of Oklahoma has encouraged and identified such units of government as representative of groups of people with like and similar political, social, and economic interests; and

WHEREAS, the fair and equitable representation to be provided in the Oklahoma Legislature should include not only population but other major factors such as the federal

analogy, history, economics, custom, territory, and similar and related factors, in order that invidious discrimination will not divest segments of the population of their representation.

Now, Therefore, be it resolved by the Senate and the House of Representatives of the Twenty-Ninth Legislature of the State of Oklahoma:

Section 1. The Secretary of State shall refer to the people, for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article V of the Oklahoma Constitution:

Section 1. Article V of the Constitution of Oklahoma is hereby amended by adding thereto the following new sections:

Section 9A. The state shall be apportioned into forty-eight senatorial districts in the following manner: the nineteen most populous counties, as determined by the most recent Federal Decennial Census, shall constitute nineteen senatorial districts with one senator to be nominated and elected from each district; the fifty-eight less populous counties shall be joined into twenty-nine two-county districts with one senator to be nominated and elected from each of the two-county districts. In apportioning the State Senate, consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible.

Each senatorial district, whether single county or multi-county, shall be entitled to one senator, who shall hold office for four years; provided that any senator, serving at the time of the adoption of this amendment, shall serve the full time for which he was elected. Vitalization of senatorial districts shall provide for one-half of the senators to be elected at each general election.

Section 10A. The House of Representatives shall consist of the number of Representatives as determined by the formula and procedure set forth herein. The number of members of the House of Representatives to which each county shall be entitled shall be determined according to the following formula:

a. The total population of the state as ascertained by the most recent Federal Decennial Census shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives, except as otherwise provided in this Article.

b. Every county having a population less than one full ratio shall be assigned one Representative; every county containing an entire ratio but less than two ratios shall be assigned two Representatives; every county containing a population of two entire ratios but less than three ratios shall be assigned three Representatives; and every county containing a population of three entire ratios but less than four ratios shall be assigned four Representatives.

After the first four Representatives, a county shall qualify for additional representation on the basis of two whole ratios of population for each additional Representative.

Each Representative nominated and elected shall hold office for two years.

Section 11A. The first apportionment of the legislature shall be accomplished by the legislature under the formulae contained in Sections 9A and 10A, within sixty days after the first regular session of the legislature following the adoption of this amendment, and thereafter the apportionment shall be within sixty days after the convening of the first regular session of the legislature following each Federal Decennial Census. If the legislature shall fail or refuse to make such apportionment within sixty days after the

convening of the legislature after the adoption of this amendment, or if it should thereafter fail within the time provided herein to make such reapportionment, then such apportionment or reapportionment, as the case may be, shall be accomplished by an Apportionment Commission composed of the Attorney General, Secretary of State, and the State Treasurer of the State of Oklahoma according to the provisions of Sections 9A and 10A of this Article.

Section 11B. Each order of apportionment rendered by the Apportionment Commission shall be in writing and shall be filed with the Secretary of State and shall be signed by at least two members of the Commission.

Section 11C. Any qualified elector may seek a review of any apportionment order of the Commission, or apportionment law of the legislature, within sixty days from the filing thereof, by filing in the Supreme Court of Oklahoma a petition which must set forth a proposed apportionment more nearly in accordance with this Article. Any apportionment of either the Senate or the House of Representatives, as ordered by the Commission, or apportionment law of the legislature, from which review is not sought within such time, shall become final. The court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

Section 11D. Upon review, the Supreme Court shall determine whether or not the apportionment order of the Commission or act of the legislature is in compliance with the formula as set forth in this Article and, if so, it shall require the same to be filed or refiled as the case may be with the Secretary of State forthwith, and such apportionment shall become final on the date of said writ. In the event the Supreme Court shall determine that the apportionment order of said Commission or legislative act is not

in compliance with the formula for either the Senate or the House of Representatives as set forth in this Article, it will remand the matter to the Commission with directions to modify its order to achieve conformity with the provisions of this Article.

Section 11E. The Supreme Court, upon petition of any qualified elector alleging failure of the Commission to timely act, is hereby vested with original jurisdiction to compel, and shall compel, the Commission to make the apportionment as herein provided. It shall also have exclusive jurisdiction of any review hereunder. If more than one petition be filed, the court shall consolidate such proceedings for hearing and disposition, and shall file its opinion and issue its writ within sixty days from the timely filing of such last petition. In the event any action filed hereunder shall be abandoned or dismissed, any other qualified elector shall be allowed to intervene within ten days thereof.

Section 2. §§ 9, 9(a), 9(b), 10, 11, 12, 13, 14, 15, and 16 of Article V of the Oklahoma Constitution are hereby repealed

Section 2. Ballot title

The ballot title for the proposed constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ..... State Question No. .....

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment amending Article V of the Oklahoma Constitution relating to apportionment of the state legislature; providing for not less than forty-eight Senators; establishing four-year terms for Senators and two-year terms for Representatives; providing apportionment to be by prescribed formulae; designating legislature to make

apportionment within certain time; creating an Apportionment Commission; designating members thereof; directing Commission to apportion legislature when legislature fails to act; providing for review of legislative or Commission apportionment by the Supreme Court; authorizing Court to require Commission to reapportion under the provisions of the Constitution; requiring Court to issue decision within certain time; repealing conflicting sections of the Constitution

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED? ☐ YES ☐ NO

Section 3. Filing copies

The President Pro Tempore of the Senate shall, immediately after the adoption of this resolution, prepare and file one copy thereof, including the above ballot title, with the Secretary of State and one copy with the Attorney General of the State of Oklahoma.

Section 4. Special election

A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next runoff primary election at which time the proposed amendment to the Constitution of the State of Oklahoma, set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.